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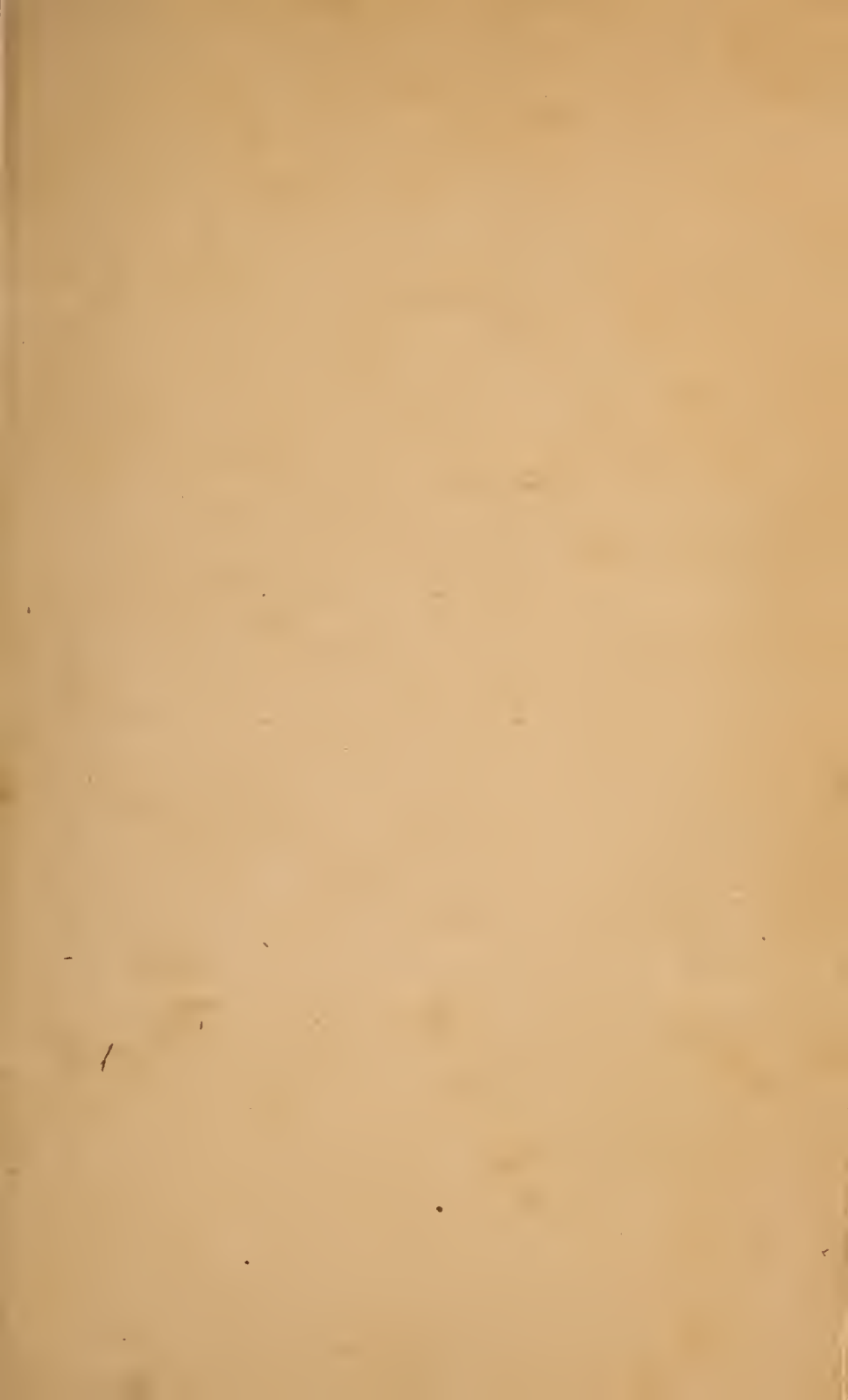
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THE

CHINESE REPOSITORY.

VOL. XV.

FROM JANUARY TO DECEMBER, 1846.

CANTON, CHINA:
PRINTED FOR THE PROPRIETORS.
.....
1846.

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VOL. XV.—NOVEMBER, 1846.—No. 11.

ART. I. *On the Multicaulis or Mulberry tree at Manila.* By M. Isidore Hedde, commercial delegate, attached to the late French legation. Communicated for the Chinese Repository.

A STRANGER who visits the Philippine Islands, and sees silk manufacture in operation, cannot but be surprised at finding the mulberry tree is not cultivated, and no attention paid to the rearing of silk-worms. The mulberry tree, or Multicaulis, however, occupies an important page in the modern history of the production of silk, not only since the profound dissertations of M. Bonafoux and M. Lomeni in Italy, and Mr. Kenrick in America, and different eminent men in the silk society of Paris, but especially from the successful experiments which have been made for cultivating this valuable plant in western countries.

I will endeavor therefore to trace its origin, and search the chronicles of Manila, for all the information possible, respecting the mulberry tree and the rearing of silk-worms.

The *Flora de Filipinas* shows us that in 1593, Sedeno, a Jesuit, planted mulberry trees in Bisayes, and endeavored to introduce the rearing of the Bombyx, but met with no success. It is also said that in different provinces, especially in Tayabas, numerous mulberry trees are found of the species known by the name of *Morus alba*, the leaves of which are used for feeding silk-worms. This useful tree, according to the authority just quoted, was brought from China by means of seeds, in 1780, by Padre Manuel Galiano. The Economical Society encouraged this branch of industry, and succeeded at

well as to obtain several crops in one year. The inhabitants of Tayabas showed but little skill in its cultivation, as well from the great care which it required as from their natural indolence.

We read also in a notice published by the Economical Society in 1780, that mulberry trees and silk-worm's eggs were sent from Amoy, with some intelligent Chinese coolies, in order to introduce to the Philippines this valuable branch of industry. The mulberry trees flourished luxuriantly in the villages of Hermita, Malate, and Sampaloc. They were also introduced into the provinces of Camarines and Cagayan, where they were cultivated with such success that in the village of Paranague alone, 2759 mulberry trees were soon found in a flourishing condition.

The "*Informe Sobre el Estado de las Filipinas*" goes to establish nearly the same facts, as will be seen from the following extract.

"A missionary in 1785 sent from China a quantity of mulberry seeds. The Philippine Company endeavored to promote the cultivation of the mulberry, without being however successful in their endeavors, though there was one, of whom more will be said hereafter, who being better able to decide upon this matter, was far from thinking it impracticable."

It may not be uninteresting to report from the extract of a statistical account concerning the Philippine Islands, by D. Thomas Comyn, especially after what has been so frequently reported by other writers on the subject, that within the tropics the cultivation of silk was altogether impossible.

"In 1786, '87, '88, governor Basco commissioned colonel Comely with the introduction of the culture of silk in the province of Camarines, and so diligent was this officer in the discharge of his duty, that in the course of a short period more than four millions and a half of mulberry trees were planted within the circuit of thirty villages under his jurisdiction. Unfortunately, before the project was consummated, Basco was removed, and his successor, not feeling the same interest in the object, failed in compelling the natives to continue the same exertions, in carrying out this important object. Consequently it has been attended with considerable loss to the colony. The nature of labor necessary for the cultivation of silk is admirably suited to the character and habits of the people."

It will be observed that in the extracts given above, there is no mention whatever of the *Multicaulis*, and it may be accounted for that in the early period of its introduction into a country where the

mulberry tree was almost unknown, its genus or variety was not attended to, and we may conclude that, as there is no native name for the mulberry tree to be found in Luzon, it cannot be an indigenous tree. The designation of *Multicaulis* came originally from France.

In 1821 M. Perrottet brought into France from Manila a mulberry tree whose species, amongst several other denominations, is known by the general name of *Multicaulis*. This eminent botanist mentioned having seen this species in the possession of a Chinese emigrant at Manila, who had himself imported it from Canton.

In both of the cases M. Perrottet must have been mistaken in his information, as it is generally known at Manila that this tree was imported into the Philippine Islands at the same time with the other species, that is, at the period when the mulberry tree was first introduced by some Chinese from Amoy, in 1781.

Having inquired of some Chinese at Manila where the Chinaman who first introduced the mulberry tree into Manila was to be found, an old Chinaman assured me that it was so seldom Canton people came to reside there, that he could not remember an instance of a Canton man taking up his residence in that country, that he knew the mulberry tree had been there the last thirty years, and that he had seen a tree of the same description in Tang-an and Amoy, whence most of the Chinese emigrants in this island, as well as through the whole of the Indian Archipelago, came. It is a well known fact that the generality of Chinese emigrants found through these Islands, come from the province of Fuhkien.

I shall not attempt to decide to whom the honor may belong of having first introduced the mulberry tree, now known under the classical name of *Multicaulis*, whether to M. Perrottet or to M. Rast Manpas of Lyons, a gentleman who spent his life and fortune in introducing into his country the most valuable exotic plants, and is said to have imported the mulberry tree (*Multicaulis*) first into Lyons about the end of the last century.

But to whomsoever this honor may belong, it is an undeniable fact that the value of the mulberry tree, the *Multicaulis*, was not known until M. Perrottet brought it from Manila. During my sojourn at this place, I resolved to examine the plantations and see what changes had taken place. I pursued my way to Pacco, the spot where formerly stood the garden of plants of the Economical Society, where in 1782 the mulberry, chagaver, and other useful trees were planted. I had fortunately, for a guide M. D. Ingo

Azaola, one of the oldest members of the society, its venerable president, a man of great knowledge and learning, to whom science is indebted for several valuable discoveries. He told me in what manner the Economical Society had been organized in 1780, the number of trees that had been planted, the endeavors made for the propagation of the mulberry tree imported from Amoy, and the changes to which they were subjected according to circumstances or the nature of the soil. We looked around to see whether there were any remains, but the ground had been dug up and trees unmercifully uprooted.

Two ruins were still standing, the one was a circular room like an open cupola, which was formerly used for the scientific assembly's deliberations, and the other a sandy monument where I read the inscription.

ANTONIO PENEDA TRIBUNO MILITUM *virtute in patriam bello armisque insigni naturæ demum indefesso scrutatori trini arduo itinere orbis extrema adiit telluris viscera Pelagi abyssos audiumque cacumina lustrans. Vita simul et laborum gravium diem supremum oriet in luconia philippinarum.*

VI KAL. JUL. MDCCXCII.

Prematurum optini mortem. Luget patria, luget fama, lugent amici, qui hocce posuerunt monumentum.

I was absorbed in contemplation of this monument, erected in memory of a zealous man, who accompanied the expedition around the world with Malaspina, and who died in a botanical excursion on the Cagayan hills, when I was interrupted by my guide's exclaiming "here is the *Multicaulis*," and he pointed with a look of much satisfaction at some sprigs which appeared through the chinks of the pedestal, as a last tribute rendered by nature to a lover of science, and as an unexceptionable proof of the origin of the *Multicaulis* at Manila. I seized upon one of these precious relics, the last remains of the plant which the Economical Society placed around this monument, in 1792, and I kept it religiously, in order to offer it with the permission of heaven to the venerated memory of M. Rast Maupas. I afterwards went to Nactajan, to the house where the French consul M. Adolphe Bano lived some years since, and which has now been changed into a hospital for the poor. Here I saw, with a feeling of curiosity mingled with gloom, the plantation of *Multicaulis* commenced in 1837 by M. Hebert, a young man who preceded me, but has been torn away too soon to gratify the hopes of our country.

The leaves were of an astonishing size. Some were from 30 to 35 centimeters in length and breadth. The stalks were very strong, and being without cultivation the stems strewed the pathway.

The chaplain seemed desirous of making use of these leaves, and asked me for some silk-worms' eggs, which I have since most willingly sent him from Fuhkien and Chehkiáng. They are of two kinds, the one of three sleeps, the other of four, and I requested him to send to France, if they prospered, some of the eggs of the next crop and to give a separate account of his observations on the rearing of both sorts.

I have not heard of the rearing of silk-worms at the present time in the Philippines, though they were said to be so productive formerly, that they obtained eleven crops of white silk in one year.

There are in Luzon numerous butterflies of the species of the *great atlas*, found in the north of China, whose wings are finely ornamented with bright spots. I saw one of those *Saturnia* which measured 20 centimeters with its wings extended. The cocoons were $6\frac{1}{2}$ centimeters long, and the chrysalis $5\frac{1}{2}$. The silk was of a yellowish, brass color. No resemblance could be traced to that produced by the Tussah Indian worms, whose silk is of a greyish color.

The Philippine *Saturnia* feed on the leaves of a tree called in the Tagal dialect *alangilang*, although they have many *mansonier* trees and *Zyphus lotus*, on whose leaves the wild silk-worms of India feed.

In fact there is no regular culture of the mulberry tree in the Philippines, and I can only mention two kinds, which grow here and there unnoticed,—viz., the one generally called *Multicaulis*, known also by the appellations of *M. cucullata*, *M. Crillata*, *M. Perottine*, &c., which have broad puffed wrinkled leaves, rounded like a heart, sometimes almost circular, but with a dark point of a sharp green color, with an edge dented like a saw, stems numerous and richly loaded, and such a rank vegetation that a single slip will soon become a tree of the second order. The other generally known as the white, or China mulberry, *Morus alba*, receiving different appellations according to the varieties. It may be distinguished from the first kind by having smaller leaves, more rough and slender, sharper and of a lighter color, and more irregular in shape.

The fruit of both assumes various colors, white, yellow, red, crimson violet, and even black. The roots of the first are less strong and solid than those of the second, but it is not so firm. There are

male and female trees of both species, the one growing from seeds, the other from slips only.

After all I have seen, not only in China but in different countries, I am inclined to think that these two species are great genus types of the mulberry tree of China. For they appear to have quite distinct characters, though sometimes they are mistaken for the same, which has led some persons to think that the White mulberry and *Multicaulis* were only one species, forming many varieties according to the nature of the soil or local circumstances. Thus the *Flora de Filipinas* only indicates one species, the *Morus alba*. It is a pity that in this work nothing has been said of the different aspects, which have been described only by Linnaeus.

In fact these peculiarities appeared to me so numerous, that it was in vain for me to endeavor to trace the cause; for they recall to my mind all the varieties obtained in Europe by artificial means from the white mulberry, and especially those for the naturalization of the *Multicaulis* in western climates.

We also found in the Philippines species of mulberry trees, which belong also to the great family of *Moreoe* but which are not suitable for the feeding of silk-worms, viz. *M. Luzonia* and *M. tinctoria*. These I shall mention on a future occasion when treating on the subject of tinctorial substances. There is a third description of mulberry called *Jagal Calios*, and by P. Blanco *Calius Latescum* of which very little is known.

ART. II. *Local Correspondence between her Britannic Majesty's consul, Mr. Macgregor and British residents in Canton. From the local papers, continued from our last number.*

No. 20.

(Circular) British Consulate, Canton, 13th October, 1846.

GENTLEMEN—It having come to the knowledge of his excellency her majesty's Plenipotentiary in China, that certain British subjects, in common with other foreign residents at Canton, have organized themselves into a species of armed body, on the ground of necessary self-defence against possible popular outbreaks; and it being obvious that any superfluous displays of this kind must be calculated to produce irritation and to originate those evils they profess to avert,—I have been instructed to warn the most forward of any of her majesty's subjects so engaged, that in case of unfor-

tunate events occurring, an act of homicide by fire-arms will always be liable to trial before the Supreme Court of Hongkong, and that it will require every proof of strong justifying necessity to save the accused from the penalties of manslaughter, or even murder. I have the honour &c.,

To the British Merchants and

FRANCIS C. MACGREGOR.

Other British Residents at Canton.

No. 21.

Canton, 15th October, 1846.

Sir,—I have the honour of informing you that a meeting of the British community was held this morning, to take into consideration the steps proper to be pursued in consequence of the issue of your Circular of the 13th inst., and as Charman of the meeting I am directed to address you on its grave contents.

The community have, as you are aware, been organized for more than three months for mutual defence, for the protection and removal of their property in case of fire or riot, and for the purpose of communicating with you on any subject of general interest or utility.

The scheme of the organization was communicated to you, and you authorised me to state that it had your approbation, though you could not give it your official sanction, and you further said that you had yourself contemplated proposing some such arrangement to us when you should move into your new factory.

In no respect have we departed from the scheme as originally explained to you. A handful of men among hostile thousands, hopeless of aid from the Chinese authorities, and with only a very small British force at hand, valuable, indeed, by its presence to prevent attacks, but which we are informed has orders not to act unless expressly called upon by the Chinese authorities, believing, too, that this protection would at any moment be withdrawn at the slightest hint from the Chinese authorities' since, for fear of their misgiving, it was long denied to our urgent representations;—in such a situation, sir, to what have we to trust for life and safety?—Surely to our own resources—to union, order and to firmness.

We cannot view a popular outbreak as merely a possible event,—within these few days one was threatened; and violent placards against us very lately disgraced the walls, and we see nothing in the present aspect of affairs to encourage the hope that disturbances which have happened so often will not happen again. In these apprehensions we must conclude that you participate, since you thought it expedient to order the *Nemesis* to resume her station opposite the factories.

Deeply interested as we all are in the preservation of tranquillity, it would be strange indeed if as a body the community acted so as to endanger it, and we wonder, therefore, that it should be necessary for us to inform you, and through you his excellency, that we have studiously avoided all superfluous display and as far as possible, any display whatever. Feeling, however, it to be needful for the preservation of our lives that we should be armed, we have sought to learn the use of arms; and surely such knowledge cannot be considered unnecessary when in Hongkong itself, under British authority and strengthened by a powerful garrison, it has been officially declared unsafe to walk about without weapons.

We conceive that we have a perfect right to assemble for drill or any other exercise; but we have only met on private ground, within the walls of our own factories, where none but our own domestics have any business, and perhaps the workmen engaged in the few unfinished houses, some distance from our place of meeting. In going to and from the place of meeting,

we have made no display by marching in a body, but have assembled and dispersed individually, and as quietly as possible.

We cannot see that such proceedings are at all calculated to endanger the public tranquillity, but we firmly believe that they tend very greatly to ensure our own safety. It may be that the rabble will hear with wholesome dread of the measures we have taken, but we doubt not that most of the well-disposed Chinese in our neighbourhood rejoice at them as conducing as much to their safety as to our own: and surely the organization and control under which we act greatly lessen the chances of evil arising from the precipitation of individuals among our number.

In reference to the concluding paragraph of your letter, and having now fully explained the motives for and manner of our proceeding, I am directed to observe, that every member of the community is perfectly aware that he is liable to the law when he shall be proved to have offended it, and in conclusion to request that you will distinctly inform me on behalf of the community, whether it is intended to forbid, and whether you do forbid, declaring illegal the organization of the community for the purposes and under the circumstances already explained—I have the honour to be, sir, your most obedient humble servant.

A. CAMPBELL.

N. B. Present at the Meeting, ascending to the above letter, 44; dissenting 2; total 46.

No 22.

COMMITTEE'S REPORT.

The Committee appointed at the public meeting of the 11th instant, and directed to devise a plan for the better protection of life and property in periods of tumult and confusion, beg to make their report to you. Your Committee have endeavoured to frame a scheme by means of which, while our strength will be organized and rendered effective, it may also be controlled, and the danger which might possibly arise from precipitation of individuals be obviated.

Feeling ourselves strong, we may dare to be forbearing, and in times of disorder or disaster, the display of our means of defence will, it may be hoped, render unnecessary a direct appeal to them.

The danger which most frequently and formidably threatens us is that of fire, whether accidental or incendiary, often resulting from popular tumult, almost always accompanied by it. It is understood that the Insurance Offices which have now a heavy interest in Canton, will shortly send out fire engines of a larger and more efficient kind than have been hitherto available here, but your Committee recommend, that they be empowered to order at once from England, one of the newest and best construction. Your Committee undertake that this shall be exercised weekly, and kept in effective condition.

Your Committee recommend that arrangements be made with Chinese merchants, who shall pledge themselves to have available, and place at the disposal of the Committee, a sufficient number of coolies to work the engines and remove our property, and of chop boats to receive it.

That three large Alarm Bells be suspended in convenient situations, the keys of them to be deposited with appointed persons, who shall give orders for them to be rung when necessary, and at the same time communicate to H. M. Consul the circumstances under which the community is then called together.

They recommend that a passage in the river be kept clear for the approach of ship's boats, and the landing of their crews, and for the stationing

of chop boats in times of riot and confusion. They earnestly recommend that all British residents forthwith enrol their names with the Committee, pledging themselves to assemble as hereinafter stated, to follow the orders of the chiefs appointed, and without their orders to take no offensive measures whatever.

They recommend that the residents so associating themselves meet at least once a month, with their arms for inspection, that the members of the association at the sound of the alarm bells, pledge themselves to repair as quickly as possible to appointed places with arms and ammunition, but not with loaded fire-arms, except in cases of urgent necessity, nor shall they load their firearms without the order of the chief appointed or acting. An escort will be sent for those gentlemen whose residences may be so situated as not to admit of their coming to the place of rendezvous in safety.

Your Committee recommend that the respective divisions, when enrolled, elect their chief.

They recommend that these chief divisions be formed, which may be subdivided as may hereafter be found convenient. To consist of,—

The residents in the new factories, who shall assemble at the south end of those factories.

The residents in the Chow Chow, Old Company's, Swedish, Imperial, Pow-shun, and American factories, who are to assemble in front of those factories.

The residents in Mingqua's Hong and the adjacent and outside factories, who are to assemble in front of Mingqua's Hong.

The Committee recommend, that persons be appointed specially to superintend the removal of property in case of fire, the order of removal being regulated by the proximity of danger; and that such persons shall have authority to call upon the chief of the division for sufficient guard or escort to protect the removal. It is understood that this regulation is not intended to interfere with such private arrangements as parties may think necessary. The Committee recommend that until more uniform and efficient weapons can be procured, the members of the association make use of such as they now possess, but propose to order 100 light muskets or carbines with bayonets, cartridge boxes, and belts, zinc magazines with cartridges, and to have manufactured here 50 pikes for the use of the Parsee gentlemen, who do not use fire-arms—these arms to be delivered to the members of the association on payment of cost. The Committee recommend that a sufficient number of placards or large lanterns be made, to be suspended on suitable stands with short emphatic notices in Chinese, warning the populace not to approach the factories; and that these be suspended at the avenues leading thereto, when it is necessary to call out the members of the association.

The Committee propose to place themselves in communication with some of the leading shopkeepers in Old and New China Streets, with the view of inducing them to close the gates at the extremity of those streets, on the occurrence of any disturbance; themselves to place guards there, and display the warning notices suggested, and this being done, to keep their shops and household as much within doors as possible.

The Committee propose, that the extraordinary expenses incurred for the removal of property, shall be charged rateably on such property, according to its value. As the arms proposed to be ordered, will be paid for individually by the members of the association, the measures recommended will be very unexpensive, the cost of the fire engine being the only item of importance.

It is understood, that all measures are intended to be taken, in case of disturbance, under the sanction of her majesty's consul.

Canton, 13th, July, 1846.

No. 23.

His Excellency H. M. Plenipotentiary, &c., &c., &c., is pleased to direct that the annexed Correspondence with the Chinese Minister, relative to the Canton disturbances, be published for the information of British subjects within the dominions of the emperor of China. The announcement as to the establishment of a guard near the Factories has been confirmed by H. M. Consul at Canton; but the best security of H. M. Subjects, and their best claim to protection, will consist in an abstinence from aggression against the people of the country in which they reside.

By order, W CAINE,
In the absence of Mr Johnston.

Victoria, Hongkong, 12th November 1846;

KEYING, High Imperial Commissioner, &c., &c., &c., and Hwang, Lieutenant-Governor of Kwang-tung, &c., &c., &c., send the following reply to the Honourable Envoy respecting a letter they received about an officer being deputed to Canton for investigating the circumstances of the outbreak on the 8th July.

(Here follows a full extract of that paper.)

We remembered, on perusing the above, that you, the Honourable Envoy, in a previous despatch stated, that you were sending an officer to the provincial City to ascertain who were the persons that fired. It does not, however, appear in your present communication that the foreigners who fired so as to occasion loss of life were found out.

Every stranger, as well as native, is aware that this occurrence took place because Compton gave rise to the disturbance, and that therefore the mob, not without a cause, attempted to burn and pillage. The people fell, one at the entrance of Tek-hing Street, another at the bottom of Tungwan Street, and a third at the bottom of Tsing-yuen Street, and not at Chung-ho Hong, where the affray originated. It is therefore clear that the foreigners committed homicide intentionally, and not in defending the space in front [of the factories]; These killed were all of them people that earned an honest livelihood, and by no means ruffians; still you call them in all your letters a vagabond mob; which, is indeed doing them injustice. Had the Chinese military been previously informed that the people were on the eve of an outbreak and disturbance, they would have taken beforehand precautionary measures. But it was Compton that collared an ordinary man, bound and beat him, and thus rousing the indignation of the multitude, constituted himself alone by his rashness the author of this disturbance. Yet in your despatch you still blame, also, the tardiness of the soldiers in quelling the uproar, and throw upon them too much responsibility.

Not only do you the Honourable Envoy vigorously protect the British merchants in China; who are here for the sake of trade, but we the Great Minister and Lieutenant-Governor also exert ourselves to procure them quietness. This ought, however, to be done in a complete manner and justly, so as to render the Chinese submissive, and then both parties will live in peace and be kept from all harm. It is vain to attempt putting down the Canton people by main force without a show of reason, for their numbers are too great, and defy the application of physical force.

To sum up the whole, we ought to act with equity, and maturely think about the steps to be taken. As the foreigners have destroyed the lives of several Chinese, and not behaved in conformity to the Treaty, the Chinese are filled with hatred and deep ill-will. How have we to act, if a foreigner should lose his life on a future occasion?

If you the Honourable Envoy would decide this affair, and manage it speedily according to the Treaty, it would be very fortunate. It is however of the highest importance not to give heed to mere rumors.

You the Honourable Envoy will have heard that we the Great Minister and Lieutenant-Governor have established near the foreign factories a perpetual

military post for the protection (of the inmates). But we must at the same time settle this case of loss of life with equity, and the hatred and ill-will of the Chinese will be allayed, and no unforeseen disturbances will ever take place.

Whilst sending the above we wish you much happiness, and address the same,—

To His Excellency H.B.M. Plenipotentiary, Sir John F. Davis, Bart., &c., &c., &c.

Taoukwang, 26th year, 9th month, 7th day, November, 1846. Received 9th instant.

Truc Translation,

CHARLES GUTZLAFF,
Chinese Secretary.

Victoria, Hongkong, 10th November 1846.

I have to acknowledge the receipt of a note from your Excellency, jointly with the Lieutenant Governor, dated the 7th instant. However culpable the repeated acts of violence on the 4th and 8th of July, it appears on record that Consul Macgregor, at least, did his duty, by giving formal warning of the probable consequences of similar conduct on the very day preceding the 4th. I have reported to my Government the fine I ordered on the exciter of the riot, and it will be sufficiently clear that I did what the case required.

I have often told Your Excellency that the mixed company of the foreigners of all nations, who combined to defend their persons and property, were compelled to fire for the safety of their lives. But, under any circumstances, you must be aware that I have no authority except over British subjects; and I repeat my previous declarations, that I cannot acquiesce in the continued attempts which have been made to charge the homicides *exclusively* on them. It would moreover be useless to distinguish any particular individuals among a crowd who, acting solely in defence of their lives, can scarcely be considered as culpable in any degree.

It is notorious that the lamentable deaths of three subjects of China might have been prevented had the soldiers arrived immediately after the tumult began, instead of delaying for about three hours afterwards. If they were not answerable for the commencement of the disturbance, they certainly were greatly so for its continuance and consequences.

It is satisfactory to learn from Your Excellency, and from Consul Macgregor, that a guard is being established in the neighbourhood of the foreign factories. I will take the most efficient measures in my power to restrain those under my authority, and I am resolved to afford no protection to such as do not deserve it. This care, however, must be strictly mutual—Chinese must be restrained as well as English; and I once more repeat my previous solemn warnings, that all damage from the populace, sustained by inoffensive British subjects, must be made good at Canton as it was at Foo-chow.

I take occasion to renew to your Excellency the assurances of my highest consideration.

J. F. DAVIS.

To His Excellency Keying, &c., &c., &c.,

Truc Copy. W. CAINE.

At a General Meeting of British subjects held in Canton on Tuesday the 3rd of November, 1846,—Present 43 persons, representing 28 British firms, A. Campbell, esq., Chairman,—the following Correspondence and Papers were read, and Resolutions unanimously adopted. [From No. 24. to No. 53.]

No. 24.

Canton, 7th October, 1846.

Sir.—We the undersigned having heard of certain proceedings instituted by her majesty's consul at this port, against a much respected member of the community here, in which so far as the facts of the case are known to us, he has been arbitrarily, and unjustly condemned, as the originator of the riot, which took place on the 8th July last,—we deem it right to call your atten-

tion to the subject, in order that the circumstances may be properly investigated; and as the proceedings in question appear to involve a principle in the highest degree inimical to the personal liberty of British subjects in China, and at the same time calculated to degrade her majesty's government in the eyes of the Chinese, we pray you to prepare a correct and detailed statement of the case to be submitted to the British community at a public meeting which we request you will have the goodness to call at your earliest convenience, for the purpose of considering the same, and of taking such steps as occasion may require.—We are, sir, your very obedient servants.

(Signed) JAMES CHURCH, R. ELLICE, JOHN WISE, J. G. LIVINGSTON, H. H. SMITH, FRANCIS B. BIRLEY, JAMES WORTHINGTON, STEPHEN PONDER, GEORGE LYALL, J. SKINNER.
To ARCHIBALD CAMPBELL, esq.,

Chairman of the Committee of Public Safety at Canton.

No. 25.

Canton, 9th October, 1846.

GENTLEMEN.—I beg to acknowledge the receipt of your letter dated the 7th instant addressed to me as Chairman of the Committee, requesting that I would call a meeting of the British community to consider what measures should be taken in consequence of the extraordinary proceedings taken by her Britannic majesty's consul against a respected member of our community—proceedings which appear at the same time to affect the rights and liberties of all British residents in Canton. The committee have considered and examined all the circumstances connected with the case, and would readily have afforded the community the opportunity of publicly expressing their opinions, but having learnt that an appeal from the sentence of her Britannic majesty's consul is to be made to the Supreme Court of Judicature at Hongkong, the committee think you will agree with them in opinion that it would not be advisable at present to decide upon holding a Meeting.—I am, gentlemen, your most obedient, humble servant.

(Signed) A. CAMPBELL. CHAIRMAN OF THE COMMITTEE.
To JAMES CHURCH, esq. and others.

No. 26.

Canton, 30th October, 1846.

Sir,—We beg reference to a letter addressed to you on the 7th instant, respecting the arbitrary proceedings of H. M. Consul, against Mr. Compton.

Having now learned that the intended appeal to the Supreme Court of Judicature at Hongkong, cannot be made, and considering it highly expedient that the British community here, should be fully informed of all the particulars of a case so immediately affecting the liberty and rights of British subjects, we have again to request that at your earliest convenience you will call a Public Meeting of her majesty's subjects for the purposes stated in our previous communication of the 7th inst.—We have the honor to be, sir, your most obedt. servants.

(Signed) J. CHURCH, AND OTHERS.
To ARCHIBALD CAMPBELL, esq. Chairman &c.

No. 27.

(No. 1.) British Consulate, Canton, July, 25th 1846.

Sir,—In a representation addressed to me by the Imperial high commissioner Keying, and governor Hwang, you are charged with having, "on the 4th instant, at the door of the guard house at Old China Street, kicked to pieces the stall furniture of a fruiterer at that place, and with having beaten with a cane the military officer there on his going out to admonish and stop you;" on which occasion, they add, a riot had almost taken place. Further,

that on the 8th instant when a foreigner was wrangling with another fruiterer at the entrance to Old China street, you came with a cane and dealt random blows with it on the fruiterer; that in the course of the quarrel you suddenly laid hold of a man and took him into the Chung-ho Hong, where you tied and beat him, thus causing the assembled Chinese to make a disturbance at the back of the said Hong.

It being incumbent on me to investigate these charges, which the Chinese authorities declare to have occasioned the riot on the night of the 8th instant, in which the lives of Chinese subjects were sacrificed, I have to request you will attend at this consulate on Monday next, the 27th instant, at 11 A. M., with whatever witnesses you can produce to depose as to truth of the above allegations.—I have &c.,

(Signed)

FRANCIS C. MACGREGOR.

To C. S. COMPTON, esq.

No 28.

(No. 2.) British Consulate, Canton, 24th September, 1846.

Sir,—The examinations respecting the late riots having now been closed, and it appearing from the evidence adduced that on the 4th July last you kicked over the the stall of a fruiterer which was in your way at the bottom of Old China street, by which indiscretion the indignation of the populace was roused, which gave rise to the subsequent popular disturbances and to the disasters which followed: and it being of the highest importance for the maintenance of public order as well as for the continuance of good understanding with the Chinese government and people, that justice should take its course; it is my painful duty to announce to you that in conformity with § 6 of the Ordinance 6 and 7 Victoria Reg. No. 2 of 1844, I have sentenced, and I do hereby sentence you for such offence to pay a fine to her majesty the Queen of two hundred Spanish dollars, which sum I shall recover from you as soon as I shall have received the approval of his excellency her majesty's plenipotentiary and superintendent of trade at Hongkong, of which you will be apprised in due time.—I have &c.,

(Signed)

FRANCIS C. MACGREGOR.

To C. S. COMPTON esq.

No. 29.

(No. 3.) *An Ordinance for Her Majesty's Subjects within the Dominions of the emperor of China, or within any ship or vessel at a distance of not more than one hundred miles from the coast of China.*

ANNO SEXTO ET SEPTIMO VICTORIA REGINÆ. No. 2. of 1844.

EXTRACT. "VI. And be it enacted, that the said Consul shall have power and authority to sentence any Person committing any misdemeanour or other minor offence to pay a fine to Her Majesty, Her Heirs and Successors, not exceeding 200 Dollars, and to suffer imprisonment for any period not exceeding two months, and in case of non-payment of any fine, to suffer a further imprisonment not exceeding two months in lieu thereof, or until the same shall be paid."

Mr Macgregor presents his compliments to Mr Compton, and herewith annexes an Extract of Ordinance No. 2. of 1844.

Consulate, 23th September, 1846.

No. 30.

(No. 4.) To FRANCIS C. MACGREGOR, esq.,
H. B. M's Consul, Canton.

SIR,—I have to acknowledge the receipt of your letter of the 24th instant, announcing that you have sentenced me to pay a fine of \$200 to Her Majesty, the Queen, in reply to which I respectfully request you will specify the offence for which I have been committed, by the evidence you have taken.—I have the honor to be, Sir, your most obedient, humble servant,

(Signed)

CHARLES SP. COMPTON.

No. 31.

(No. 5.) British Consulate, Canton, 30th September, 1846.

SIR,—In reply to your letter of the 29th inst., I do not find that I have any thing to add to the contents of my communication of the 24th, but I think it right to state, for your information, that it appears from § 5 of the Ordinance therein referred to, that my decision is subject to the revision of the Supreme Court of Judicature in Hongkong, who have the power of altering or reversing my sentence, or increasing or diminishing the amount of punishment or damages awarded thereby, as shall seem just and expedient upon the strength of the evidence, which in your case will be transmitted to the said Court without delay.—I have, &c.,

(Signed)

FRANCIS C. MACGREGOR.

To C. S. COMPTON, esq.,

No. 32.

(No. 6.) Canton, 1st October, 1846.

SIR,—I have to acknowledge the receipt of your letter of yesterday, in reply to mine of the 29th ulto, wherein you say, you do not find that you have anything to add to your communication of the 24th, from which I observe that I am not only convicted of "having, on the 4th July last, kicked over the stall of a fruiterer, which was in my way at the bottom of Old China Street, but also of having given rise to the subsequent, popular disturbances, and to the disasters which followed." May I therefore request you will have the goodness to furnish me with a copy of the evidence establishing that fact,—I have the honor to be, Sir, your most Obedient, humble servant,

(Signed)

CHARLES SP. COMPTON.

To FRANCIS C. MACGREGOR, esq., *H. B. M.'s Consul* Canton.

No. 33.

(No. 7.) British Consulate, Canton, 6th October, 1846.

SIR,—I have the honor to inform you, that His Excellency, Her Majesty's plenipotentiary in China, has confirmed the fine of two hundred Spanish Dollars, payable to Her Majesty the Queen, which I imposed upon you by sentence dated the 24th September last.

It having been found, on strict inquiry into the extent of the powers vested in me by § 4 of the Ordinance 6 and 7 Victoria Reginae, No. 2 of 1844, that the said sentence, which I passed upon you for certain acts committed by you, injurious to our relations with the government and people of China, is not subject to be referred to the Supreme Court for revision, notwithstanding what I mentioned to you to the contrary in my letter of the 30th ultimo, and it being necessary and expedient that such sentence should be carried into effect forthwith,—I have to acquaint you, that I have authorized Mr. Horace Oakley, second assistant to this establishment, to recover from you the amount of the above mentioned fine, and after having received payment to grant you receipt for the same in the usual form.

In reply to your letter of the 1st instant, I have only to add that the documentary evidence therein referred to will be made out, and forwarded to you, in so far as I am able to furnish it.—I have, &c.,

(Signed)

FRANCIS C. MACGREGOR.

To C. S. COMPTON, esq.,

No. 34.

(No. 8.) Canton, 7th October, 1846.

SIR,—I beg to acknowledge the receipt of your letter of yesterday, informing me that His Excellency Her Majesty's plenipotentiary in China has confirmed the fine of two hundred Spanish Dollars, payable to Her Majesty the Queen, imposed on me by your sentence dated the 24th of September, and that you have authorized Mr. Horace Oakley to carry the same into effect forthwith.

As I cannot submit to the indignity which the Ordinance empowers you to subject me to, in the event of my refusing to pay this fine, I shall pay it on

obtaining from you an acknowledgement that it is received under protest, and I respectfully beg you will take notice that I shall appeal against a sentence, which I must, for various reasons, consider illegal, more particularly as it has been passed on evidence that I have not yet heard, or had the opportunity of disputing.—I have the honor to be, Sir,

Your &c. (Signed)

CHAS. SP. COMPTON.

To FRANCIS C. MACGREGOR, esq. *H. M. Consul, Canton.*

No. 35.

(No. 9.) Canton, 7th October, 1846.

SIR,—I have paid \$200 Spanish to the person whom you sent to receive the fine levied on me as per your letter of 24th ulto, but I beg to intimate that I do so under a protest against your sentence, and that I reserve to myself the right of taking such steps as may hereafter appear to be desirable;—I have the honor to be,

Sir, Your most Obedient humble servant.

(Signed)

CHAS. SP. COMPTON.

To F. C. MACGREGOR esq., *H. M. Consul, Canton.*

No. 36.

(No. 10) British Consulate, Canton, 8th October, 1846.

SIR.—I have to acknowledge receipt of your letter of yesterday's date stating that you paid the fine of two hundred dollars levied on you, under protest against the sentence, and reserve to yourself the right of taking such steps as may hereafter be deemed advisable.

I have forwarded a copy of the above to his excellency her majesty's superintendent of trade for his information.—I have &c.

(Signed)

FRANCIS C. MACGREGOR.

To C. S. COMPTON esq.,

No. 37.

(No. 11.) I, the undermentioned, do hereby acknowledge to have received from Mr. Charles Spencer Compton the sum of two hundred Spanish dollars in good and lawful money being the amount of a fine imposed upon him by her majesty's consul at this port by sentence dated the 24th September of the present year. In witness whereof,—I have granted receipts in duplicate under my hand at Canton this 7th day of October, one thousand eight hundred and forty six.

\$200 Spanish. (Signed)

HORACE OAKLEY, Junior Assistant at the

Canton consulate.

Approved, (Signed)

F. C. MACGREGOR her majesty's consul.

No. 38.

(No. 12.) Canton 14th October, 1846:

SIR.—In a letter I had the honor to address to you on the 1st inst., I requested you would have the goodness to furnish me with a copy of the evidence upon which you had found me guilty of the offence for which you passed sentence on me on the 24th ulto. and in your reply to that letter dated 6th inst. you said you would do so. As seven days have elapsed since your sentence was put into execution, and I have not yet heard or seen the evidence on which I am condemned, I beg to be informed whether in accordance with Sec. 5. Ordinance 6 and 7 Victoria, No. 2 of 1844, you have transmitted to the Supreme Court at Hongkong that evidence, together with your reasons for the sentence you have passed on me.—I have the honor to be, Sir, your most obedient humble servant.

(Signed)

CHARLES SP. COMPTON.

To F. C. MACGREGOR esq. *H. M. Consul, Canton.*

No. 39.

(No. 13.) British consulate, Canton, 15th October, 1846.

SIR,—I regret that an unusual accumulation of public business has been the cause of retarding the transmission of the papers adverted to in your letter of 5

the 14th instant. On enclosing them to you now it seems necessary to explain that these are the only documents relating to your case which I am enabled to send, all others being mixed up with the official correspondence of which I am not at liberty to dispose without previous permission from her majesty's plenipotentiary and superintendent of trade in China, to whom I shall also look for instructions as to the necessity of reporting the fine recently levied upon you, under his authority and sanction, to the Supreme Court of Judicature at Hongkong.—I have &c.

(Signed)

FRANCIS C. MACGREGOR.

No. 40.

(No. 14.) *Deposition of CHARLES SPENCER COMPTON esquire, before her majesty's consul at Canton relative to the riot of the 8th July, 1846.*

CHARLES SPENCER COMPTON, a native of London, and a merchant residing at intervals in Canton for 24 years, having been cited to depose as to certain charges preferred against him by the Chinese authorities, handed in a written declaration, addressed to her majesty's consul, of the circumstances as they occurred on the evenings of the 4th and 5th instant, of which the following is a transcript.

In reply to the charges preferred against me, in your letter of the 25th instant, I beg to say:—On or about the 4th instant, when passing through the street referred to, it was as usual crowded with stalls and every nuisance which has been complained of officially and privately for so long a time by the foreign residents, being in direct infraction of the regulations made by the Chinese Authorities for the prevention of disturbances, and published on the 12th July 1844: I desired one man to move out of the way, he did not do so, and I kicked his stall down; a piece of granite then struck me on the head, I picked it up and went to the guard house, where several of their people were sitting at the door observing what was going on but not stirring to interfere. I showed one (who was possibly the military officer) the stone, and by signs told him to remove the stalls and people who were obstructing the path, he merely laughed: I took him by the arm and led him down amidst the crowd, again repeating by signs that they should be dispersed; he said something to them, unintelligible to me, and I then went into the guard house and desired the name of the officer whose duty it was, according in the regulations referred to above, to keep that thoroughfare clear, that I might make a complaint against him. At that moment you passed, Sir, and I related the circumstances to you: I deny having beaten the Military Officer, or that any one came out to speak to me until I went to the guard house, as above stated. On the evening of the 8th instant, when passing through the same street, which was more than usually obstructed, I did not observe any foreigners wrangling with a Chinese, nor did I strike any one until I was first struck by a man whom I had pushed aside that I might pass; he then picked up a large stone and threw it at my head, which I avoided. I seized him and took him into the Chung-ho Hong, where I tied him up, and then immediately went into an office, close by, and addressed a letter to you, stating the facts. On my return to the place, where I had left him, he had escaped. I deny having struck him after he was in the Hong.

That these circumstances led to the riot is very probable, but the consequences of it are chargeable to the apathy of the Chinese Authorities, who do not enforce their police regulation to prevent disturbances, and to their tardiness in not coming to the spot to suppress a tumult until foreigners are compelled to resort to extreme measures in defence of their lives and property. Being asked if he is aware of the crowd outside Mingqua's Hong having been cognizant of the escape of the man whom he had attempted to secure for the purpose of handing over to the authorities, he replied that they could not but have been perfectly cognizant of it, inasmuch as the man escaped by the same gate at which he was carried in, and was observed for some minutes after among the crowd, gesticulating to them. Deponent desires to state further, that Mr. Dudgeon, who witnessed the whole affair from the windows of

the Billiard Room at which he was standing, and who could consequently depose more fully respecting the origin of the affray than the witnesses who now accompany him, being absent at Hongkong, he wishes his declaration to be taken on his return.

(Signed) CHARLES SP. COMPTON.

Deposed before me at the British Consulate, this twenty seventh day of July, 1846.

(Signed) R. B. JACKSON, *Her Majesty's Vice-Consul.*

A true copy, (Signed) FRANCIS C. MACGREGOR, *Her Majesty's Consul.*

No. 41.

(No. 15.) *Deposition of Richard James Gilman, before Her Majesty's Vice-Consul at Canton, relative to the riot of the 8th July, 1846.*

RICHARD JAMES GILMAN, a native of London, a merchant, and resident in Canton upwards of 10 years, declares, on the evening of the 8th instant, being in the Billiard Room in Mingqua's Hong, the windows of which overlook the space at the top of Old China Street, he heard a disturbance there, and on looking out perceived Mr. Compton among a crowd of Chinamen, one of whom, at a distance of a few yards, was in the act of hurling a large stone at him, whereupon, he and Mr. Ellice ran down to Mr. Compton's assistance, and helped to convey the man (who in the mean time had been secured by Mr. Compton) into Mingqua's Hong, where they tied and endeavoured to keep him until he could be handed over to the proper authorities. That he then came immediately to the consulate and reported the affair to her majesty's consul in person, and returning then to Mingqua's Hong found the man had escaped, and that the disturbance had considerably increased. Deponent further states that he did not see, nor does he believe that any other foreigner was on the ground mentioned, when Mr. Compton appeared there.

(Signed) R. J. GILMAN.

Deposed before me at the British Consulate, this twenty seventh day of July, 1846.

(Signed) R. B. JACKSON, *Her Majesty's Vice-Consul.*

A true copy, (Signed) FRANCIS C. MACGREGOR, *Her Majesty's Consul.*

No. 42.

(No. 16.) *Deposition of Robert Ellice, before Her Majesty's Vice-Consul at Canton relative to the riot of the 8th July, 1846.*

ROBERT ELLICE, a native of London, at present a resident in Canton, and belonging to the mercantile establishment of Ripley Smith & Co., confirms the above declaration of Mr. Gilman in all particulars, he being likewise present on the evening of the 8th instant as stated, in the Billiard Room at Mingqua's and going with Mr. Gilman to Mr. Compton's assistance, helping likewise to tie and secure the man in the Hong, for the purpose, as already stated of handing him over to the authorities. That Mr. Compton and Mr. Gilman having separated from him, he, Deponent, was left in charge of the detained individual, who escaping to the outside of the Hong, but within the street gates, there called out to the mob. Deponent there again secured him, but the mob made efforts to liberate him, and had succeeded in forcing open the gates when he was obliged to let him go. Deponent then saw him among the crowd gesticulating in a violent manner, and from that time the disturbance became greater, and the rioters proceeded, after deliberation, to force out the windows from the wing of the building occupied by Messrs Sands, Turner, Church & Co. He likewise declares, that he did not see any other foreigner on the ground than Mr. Compton at the time he went to his assistance, and having just before been at the window of the Billiard Room, he thinks he must have noticed had there been any dispute or wrangling as stated at a fruiterer's stall.

(Signed) ROBERT ELLICE.

Deposed before me at the British Consulate, this twenty seventh day of July, 1846.

(Signed) R. B. JACKSON, *Her Majesty's Vice-Consul.*

A true copy, FRANCIS C. MACGREGOR, *Her Majesty's Consul.*

No. 43.

(No. 17.) *Deposition of Patrick Dudgeon, before Her Majesty's Vice-Consul at Canton, relative to the riot on the 8th July, 1846.*

PATRICK DUDGEON, a native of Scotland, a partner in the mercantile firm of Turner & Co., and many years resident in this place, deposes, and saith with reference to the disturbance that took place on the evening of the 8th instant, that he happened to be looking out of a window of the Billiard Room in Mingqua's Hong, when Mr. Compton was on his way there. That both sides of the space underneath, namely at the top of Old China Street, being impeded by crowds of idlers, he saw Mr. Compton push aside a man with his left hand, in what he considered to be a quiet and inoffensive manner, in order that he might pass; whereupon the man immediately doubled his first and struck Mr. Compton a violent blow on the back which the latter instantly returned. The man then retreated a few paces and together with others picked up stones with which they assailed Mr. Compton. Deponent then in order to rescue him from the danger with which he was menaced, descended with others to the street, when they saw Mr. Compton had secured the man who first struck him; and he deponent assisted the others in conveying him into Mingqua's Hong. Deponent further states that he is positive there was no other foreigner at the spot where this occurrence took place than Mr. Compton, and that there was no disputing or wrangling there as alleged by the Chinese authorities.

(Signed) PAT: DUDGEON.

Deposed before me at the British Consulate, this thirtieth day of July, 1846.

(Signed) R. B. JACKSON, *Her Majesty's Vice-Consul.*A true copy, (Signed) FRANCIS C. MACGREGOR, *Her Majesty's Consul.*

No. 44.

(No. 18.) Canton, 17th October 1846.

SIR,—I have the honor of bringing before your Excellency the following circumstances.

I have been fined by Francis Macgregor, esq., her majesty's consul at this port, by his sentence of 24th September, stated by him to be under Authority of Ordinance No. 2 of 1844, which sentence he informs me has been confirmed by your excellency.

By letter dated 15th October her majesty's consul has stated to me that copies of the evidence on which his judgment passed, together with his reasons for so adjudicating, had not been forwarded to the Supreme Court of Hongkong, as enjoined by the Ordinance under which it had been stated that I am sentenced. Further, I find that under Ordinance No. 7 of 1844, dated 20th November, and especially enacted in conformity with an order issued by her majesty the Queen in Council on 17th April 1844, which by section 12 of the same, supercedes all previous Ordinances in so far as they are inconsistent with it. The said Ordinance provides, among other regulations, "that witnesses shall be examined upon oath," in the presence of the accused, who shall have all reasonable facilities for cross examining the same. That the evidence, reduced to writing shall be read over to the accused, "together with any other evidence that may have been urged against him during the trial." That the accused be advised of the legal effects of any voluntary confession.

These forms of law, essential to justice, have not been complied with, the sentence is unjust, and has been inflicted and enforced contrary to law, and only submitted to by me under protest.

I have therefore respectfully to request that you will order her majesty's consul to annul this judgement and refund the fine.—I have the honour to be, Sir, Your most obedient humble servant.

[Signed] CHAS: S: COMPTON.

To His Excellency Sir J. F. DAVIS, Bart.,

Her Majesty's Plenipotentiary, Hongkong.

No. 45.

(No. 19.) British Consulate, Canton 20th October 1846.

SIR.—I have received a dispatch from His Excellency Her Majesty's Plenipotentiary to the following effect:—

"I observe from your communication to Mr C. S. Compton, relative to his fine for originating the serious riot of the 8th July (which you transmitted to me only on the 16th Oct) that you quote Ordinance No. 2 of 1844, for Her Majesty's subjects within the Dominions of the Emperor of China, whereas the enactment under which I directed you to fine Mr Compton is Ordinance No. 5 of 1844 'entitled an Ordinance to carry into effect the Treaties between Great Britain and China, &c &c.'" which I now communicate for your information and guidance—I have &c.

[Signed] FRANCIS C. MACGREGOR.

To C. S. COMPTON esq.

No. 46.

(No. 20.) Canton, 20th October, 1846.

SIR.—I have the honor to acknowledge the receipt of your communication of this day, handing me an Extract from a despatch you have received from His Excellency Her Majesty's Plenipotentiary, from which I presume the Sentence passed on me in your letter of the 24th September, 1846, under Ordinance No. 2 of 1844, and confirmed by His Excellency per your letter of 6th October, is annulled; I shall therefore send one of my assistants to morrow morning to your Office, to receive back the sum of \$200 (Two hundred Dollars) levied on me by you in error, and he will return the receipt granted by you for the same,—I have the honor to be, Sir, your most obedient, humble servant,

[Signed] CHARLES. SP. COMPTON.

To F. C. Macgregor, *H. B.M's Consul*, Canton.

No. 47.

(No. 21) Canton, 21st October, 1846.

SIR.—Referring you to a letter I had the honor to address to you yesterday, I now request you will pay to the bearer the sum of two hundred Dollars, and he will return you the Receipt in Original and Duplicate, which you granted to me when I paid that sum to you on the 7th instant.—I have the honor to be, Sir, your most obedt, humble servant,

[Signed] CHARLS S. COMPTON.

To F. C Macgregor, Esq., *H. B. M.'s Consul*, Canton.

No. 48.

(No. 22, 23.) British Consulate, Canton, October, 23rd 1846.

SIR,—In reply to your letters of the 20th and 21st instant, and with reference to the enclosed Copy of a despatch addressed to me by His Excellency Her Majesty's Plenipotentiary and Superintendent of Trade, under date of the 18th instant, I beg to state that I must decline refunding to you the fine of \$200, which I levied upon you some time ago for certain acts committed by you injurious to our friendly relations with the Chinese government and people, in doing which the said despatch is my sufficient warrant.—I have, &c,

[Signed] FRANCIS C. MACGREGOR.

To C. S. COMPTON.

No. 49.

(No. 24.) Victoria, Hongkong, 18th October, 1846.

SIR.—I observe from your communication to Mr. C. S. Compton, relative to his fine for originating the serious riot of the 8th July, (which you transmitted to me only on the 16th instant) that you quote Ordinance No. 2 of 1844 for Her Majesty's Subjects within the Dominions of the emperor of China—whereas the enactment under which I directed you to fine Mr Compton is Ordinance No. 5 of 1844, entitled "An Ordinance to carry into effect the treaties between Great Britain and China," &c.

You will communicate this to Mr. Compton, and you will, in case you deem it necessary, produce this as your sufficient warrant.—I have, &c.,

(Signed) J. F. DAVIS.

To F. C. Macgregor, Esq., &c., &c., &c., Canton.

A. True Copy. (Signed) FRANCIS C. MACGREGOR, *Her Majesty's Consul*.

No. 50.

(No. 25.) Victoria, Hongkong, 22d October, 1846.

SIR,—In reply to a letter forwarded by you from Mr. C. S. Compton, you will have the goodness to inform that gentleman (as you have been already directed) that the Ordinance under which I authorized you to fine him is not Ordinance No. 2. but Ordinance No. 5. of 1844, to carry into effect upon Chinese territory the Treaties between Great Britain and for the preservation of peace and amity between the two nations. By the 13th Article in the Schedule annexed to that Ordinance, Mr. Compton was bound to proceed to the Consulate, and state any cause of complaint against a Chinese, instead of doing this his violence excited the frightful tumult and bloodshed in which three Chinese were killed, and by which the peaceful relations between the two countries are still endangered.

Under these extraordinary circumstances I have considered myself bound to exert those high powers with which it has been deemed necessary to invest me for the government of Her Majesty's subjects within the Chinese dominions, with a view to the most important object of securing international tranquillity; and the British government and legislature will be prepared to support me on an occasion of such a peculiar kind. As before directed, you will plead my order as your sufficient warrant for the fine of two hundred Dollars under Ordinance No. 5. of 1844, "for British subjects within the Dominions of the Emperor of China." as passed by my predecessor Sir Henry Pottinger.

While the safety of not only the British but the whole foreign community is still endangered as the consequence of his conduct, Mr. Compton cannot reasonably expect that a fine deliberately levied after the fullest enquiry, on a complaint repeatedly urged against him by the Chinese government for a violation of Treaties on their own territory, should be remitted. This would be only to aggravate the serious evils for which Mr. Compton must be considered as deeply responsible, and it would at the same time prove me utterly unfit for the discharge of those international functions with which it has pleased Her Majesty to honour me in the very unusual circumstances under which we exercise a foreign jurisdiction within an independent sovereignty. You will observe in my Circular to Her Majesty's Consuls, of November 22d, 1844, (since approved by Her Majesty's government) that the Emperor of China having, like the sultan of Turkey, waived in favour of Christian powers rights inherent in territorial sovereignty, such Christian powers, in taking advantage of this concession, are bound to provide as far as possible against any injuries resulting from it to the territorial sovereign."

If the recovery of forty-six thousand Dollars private compensation from the Chinese government, at another port proves that I have protected the rights of British subjects, it is only just that I should be equally firm in enforcing their obligations. On no other terms can we maintain a beneficial intercourse with China, and on no other terms can I undertake to administer my trust—I have, &c.,

J. F. DAVIS.

(A true copy) A. R. JOHNSTON.

No. 51.

(No. 26.) British Consulate, Canton, 27th October 1846.

SIR.—I have the honor of enclosing a Copy of a dispatch received from Sir John F. Davis Bart, in reply to your letter under date of the 17th inst to His excellency.—I have the honor to be, Sir, your most obedient humble servant.

(Signed) A. C. MACGREGOR.

To C. S. COMPTON Esq.

No. 52

(No. 27.) Canton, 28th October 1846.

SIR—I have the honor to enclose a letter addressed to the Right Honourable Lord Palmerston H. M. Principal Secretary of State for Foreign Affairs, London, which I request you will have the goodness to send forward through the proper channel, that it may be transmitted to England by the mail which leaves Hongkong on the 30th inst.—I have the honor to be, Sir, your most obedient servant.

(Signed) CHAS. SP. COMPTON.

To F. C. MACGERGOR Esq., *H. M. Consul Canton.*

No. 53.

(No. 28.) Canton, 25th October 1846

MY LORD;—You will probably be informed that a fine of \$200 has been levied upon me by Her Majesty's Consul at this place for kicking over a fruiterer's stall under extreme provocation. The copy or a letter with reference thereto from Sir John Davis has just been sent to me, by which I am surprised and grieved to find His Excellency accuses me of having "excited the frightful tumult and bloodshed in which three Chinese were killed, and by which the peaceful relations between the two countries are still endangered," an accusation which I can hardly suppose His Excellency would have brought against me, had he been thoroughly acquainted with all the circumstances of the case, and an opportunity been afforded me of producing evidence to disprove the premises he has assumed.

As the Mail leaves this evening, I can only humbly request Your Lordship will suspend your opinion of the case until I can forward a complete statement of the Facts, which I shall have the honor of doing by the following Mail—I have the honor to be, My Lord, Your Lordship's most obedient Humble Servant.

(Signed) C. S. COMPTON.

To The Right Honourable Lord PALMERSTON.

Her Majesty's Secretary of State for Foreign Affairs, London

No. 54.

RESOLUTIONS.

1st. Proposed by Mr. Edger and seconded by Mr. H. H. Smith.

That this meeting having had submitted to it the whole of the documents connected with the recent proceedings against Mr. Compton, and having attentively considered the same, is of opinion that Mr. Compton has been irregularly and unfairly tried, without sufficient evidence, unjustly sentenced, and illegally punished under an inapplicable Ordinance.

2nd, Proposed by Mr. Church, and seconded by Mr. Dunlop,

That the attempt to sustain the illegal conviction under authority of another Ordinance No. 5. is arbitrary and oppressive, in as much as Ordinance No. 5. only gives the Superintendent power to punish offences against the Treaty not punishable by the Laws of England; and the offence charged against Mr. Compton being a simple misdemeanour, punishable by the Law of England, does not come within the scope and meaning of that Ordinance.

3rd, Proposed by Mr. J. Mackrill Smith, and seconded by Mr. Worthington,

That it is the opinion of this meeting that the offence charged against Mr. Compton is not, and cannot be held an infraction of the Treaty, nor of the 13th Article of the Regulations of Trade, as declared to be by His Excellency Sir John Davis, in as much as the clause cited by His Excellency, refers to Commercial differences or disputes only, the marginal abstract confirms the interpretation of the clause, and the distinctions between commercial disputes and personal wrongs is clearly drawn in the concluding sentences of the Article, which declare that *Criminals* shall be punished according to Laws hereafter to be enacted.

4th, Proposed by Mr. Ponder, and seconded by Mr. Ryder,

That the Laws of England established under Ordinance No. 1, and the Laws as enacted under Ordinance No. 7, are amply sufficient to punish such an offence as that charged against Mr. Compton; and that as ordinance No. 7, provides for grave offences a fine equal in amount to that inflicted by His Excellency, there is neither reason, necessity, nor excuse for His Excellency having put aside the Law, and set above it his arbitrary will.

5th, Proposed by Mr. Birley, and seconded by Mr. Ripley:

That the injustice of the proceedings is aggravated because by the course pursued the accused has been deprived of appeal against a fine levied under the Plenipotentiary's warrant, while he would have had an appeal to the Supreme Court of Hongkong had the proper forms of Law been observed.

6th Proposed by Mr. Jardine, and seconded by Mr. Lyall,

That this meeting does not desire to deny that a punishable offence was committed by Mr. Compton on the 4th July, in taking the law into his own hands, although certainly under circumstances of provocation; but it is the opinion of this meeting, that proceedings should have been immediately taken thereupon, in which case the most trifling fine, which could have been inflicted, would have amply met the justice of the case. And this meeting is further of opinion, that if the offence committed by Mr. Compton was of the grave character since attributed to it, her majesty's consul should have immediately called upon him to answer for conduct of which the consul's presence on the spot made him fully cognizant.

7th. Proposed by Mr. Seare, and seconded by Mr. Ellice,

That the meeting solemnly protests against all the proceedings of the British authorities in this matter, holding the persons, fortunes and character of her majesty's subjects in China, unsafe under the premises.

8th. Proposed by Mr. Silverlock, and seconded by Mr. Skinner,

That Petitions to her majesty in council, and to the houses of Parliament be drawn up, embodying the foregoing resolutions.

9th. Proposed by Mr. Blenkin, and seconded by Mr. Gilman,

That this meeting offers to Mr. Compton the expression of their sympathy under the cruel and unjust proceedings of the authorities against him, aggravated as his injuries are by the publication of Sir John Davi's dispatch of the 22d October, on the eve of the departure of the Overland Mail, whereby Mr. Compton was deprived of the power of exposing, by the same opportunity, the fallacies and misrepresentations, in the said document.

10th Proposed by Mr. Gilman, and seconded by Mr. J. M. Smith,

That the foregoing resolutions, and the Correspondence, to which they refer, be published in the Hongkong newspapers.

Present 43 persons, representing 28 British Firms.

(Signed) A. CAMPBELL, *Chairman.*

No. 55.

Canton 5th November, 1846.

Sir,—I have the honor to acknowledge receipt of a communication made to me by her majesty's consul, under your excellency's instructions to him dated the 22d ult. in reply to which I considered the proper course was to address myself to that gentleman, in a letter dated 2d November, which he has returned to me, intimating that the proper mode of proceeding is to address your excellency direct, and therefore I now have the honor to do so. I find that your excellency insists on directing her majesty's consul to retain the fine levied on me confessedly in error, and not according to your excellency's instructions. It is difficult for me to surmise at what period your excellency's instructions to fine me, under Ordinance No. 5, for an infraction of the treaty, reached her majesty consul, since his sentence, under Ordinance, No. 2, was passed on the 24th of September, and on the 6th of October, he informed me he had then received your excellency's confirmation of that sentence, which, however, your excellency states was not transmitted by him until the 16th of the same month! However, after the sentence had been executed, it seems to have been discovered that the Ordinance No. 2 of 1844, did not justify it, certain important forms not having been complied with, and the forms enjoined by No. 7, also not having been observed; and it being necessary to vindicate the act by some Ordinance, your excellency instructed her majesty's consul to declare the sentence to have been intended to be under Ordinance No. 5. To apply that Ordinance to my case, your excellency accuses me of having infringed the 13th article of schedule accompanying it, according to which you state it was my duty, having a cause of complaint, to represent the same to her majesty's consul, and assume that I did not pursue that course, by which it appears you are very imperfectly acquainted with the facts of the case communicated to Mr. Macgregor in my letter of 27th July, which has been so improperly used as evidence against me, for to him, who passed by at the time of the occur-

rence, I did complain of annoyance which I and my brother merchants had frequently before brought to his notice. I maintain, however, that the clause of the regulations cited is inapplicable to my case; the words are, "whenever a British subject has reason to complain of a Chinese, he must first proceed to the consulate and state his grievance," the meaning clearly being in commercial disputes or differences only; and that this is the correct interpretation of the words is established by the marginal abstract—"Disputes to be settled, if possible, amicably by arbitration." The article goes on to point out the manner in which representations to the Chinese government are to be made by merchants, and finally the distinction between commercial disputes, and personal wrongs is clearly laid down in the concluding sentence, which declares, "regarding the punishment of English criminals, the English government will enact the laws necessary to attain that end, and the consul will be empowered to put them in force."

These laws have been enacted, and Ordinance No. 7 of 1846, is no doubt the law under which I ought to have been tried, and which repeals all former enactments inconsistent with it! Further, the power granted to your excellency under the Ordinance of Sir Henry Pottinger, No. 5, empowers the superintendent to punish only offences against the treaty, *which are not punishable by the law of England*—the offence charged against me cannot be so classed. I deny respectfully, but strongly that there was a full and fair enquiry into my case, it was either decided without evidence, or upon evidence which her majesty consul gave me no opportunity of disproving and of which he has declined to furnish me with a copy.

From the manner in which the trifling offence, which alone can be proved against me, has been dragged into connection with the alarming riot of the 8th July, it would be supposed by any one, unacquainted with the fact, that these events *immediately* followed my act, and not *that the riot did not take place until four days afterwards*, during which time I had repeatedly passed the same place unmolested! yet it is gravely stated that the upsetting of a fruit stall on the 4th of July, was an infraction of the treaty between Great Britain and China, and in four days' time brought forth riot and bloodshed!

I now, Sir, take leave of this discussion, solemnly protesting against the infringement of the liberty of the subject in my person; the law gave H. M. consul full power to treat my case, but left me an appeal against injustice, and the opportunity of clearing my character of the stigma cast upon it by the infliction of the highest pecuniary penalty the law would warrant; your excellency has set the law aside, and to justify the illegal sentence passed on me has aggravated my offence by imputing to me, without evidence, and on a false assumption, charges of a nature repugnant to my feelings. On thus assailing my private character in a public despatch published on the day before the departure of the mail for England, I was precluded from publishing my defence by the same opportunity. Your excellency has thus added injury to injustice, and the conventional forms of officer for the regulation of correspondence with public officers, alone prevent me from giving utterance to my outraged feelings on the subject. I have the honor to be, your excellency's, most obedient, humble servant.

CHARLES SP. COMPTON.

To His Excellency, Sir J. F. DAVIS, Bart, &c., &c.,
H. M.'s Plenipotentiary, and Superintendent of trade, Hongkong.

No: 56:

Hongkong Club, 9th November, 1846:

Sir,—I beg to acknowledge having received back from you the letter which I had the honor to address to his excellency, Sir, J. F. Davis, Bart., on the 5th instant, in reply to his communication of the 22d ultimo, conveyed to me in a letter from you dated 27th idem.

As I find it necessary to offer some explanation on this subject, I beg to state, that on the morning of the 2d instant, I addressed a letter to you, in reply to his excellency's communication, presuming that to be the correct

course; on the following morning, the (3d) you returned that letter to me, with an intimation that the proper mode of proceeding was to address his excellency *direct* under your cover! Consequently, on the same day, I addressed his excellency, and attached thereto the letter which I had previously addressed to you; on the evening of the 4th, you returned the same to me, stating that you "declined receiving and forwarding it by reason of informality in the communication," and that "I should have embodied the communication I intended to make to Sir John Davis in a letter to himself;" therefore, on the 5th I addressed his excellency in precisely the same language, and sent it to you for transmission; that letter you have now returned to me, declaring "its tendency and language to be such, as would not justify you in giving countenance to the same, by becoming the medium of its transmission to his excellency, without infringing upon that respect, which is due by every British subject to the highest functionary of her majesty in this country."

As I disavow any intention to exhibit in my language or demeanour, any disrespect for yourself or his excellency, and you had not previously declared any other objection to the letter than that of 'informality in the communication,' I could not have expected it to be returned, and therefore handed it over with the other documents, relating to my case, for publication, which explanation may be due, to account for its appearance in that shape, as the only course now left to me is to forward it direct to his excellency from this place.

I have the honor to be, Sir, your most obedient humble servant.

(Signed) CHARLES SP. COMPTON.

To FRANCIS C. MACGREGOR, esq., *H. M. Consul* Canton.

No. 57

British Consulate, Canton, 20th October, 1846.

SIR,—I duly received your letters of the 15th and 17th instant, the latter covering a copy of the report drawn up by the Committee appointed for the purpose of devising a plan for the better protection of life and property in periods of riot and confusion, which document I shall embrace the earliest opportunity of laying before her Majesty's Plenipotentiary in China for his Excellency's consideration.

In the meantime, and without dilating upon any particular point of your letters, it will only be necessary for me to repeat what I already mentioned to you on a former occasion, namely, that the Chinese government are bound by the treaty to afford us prompt, and efficient protection; a protection which I am instructed to claim on all lawful occasions, and to which recourse must invariably be had in the first instance. Hence it is evident that I cannot subscribe to measures tending in any way to disturb the order established by the law of nations.

After a careful perusal, however, of the document adverted to in the premises, I find that the principal objects for which the British Community have organized themselves and resorted to the practice of arms, appear to be the following:—

1st. By acting upon an uniform plan, and under certain rules, and regulations, more effectually to protect their property from the ravages of fire, as well as from the depredations generally attending the same.

2nd. Mutual defence against sudden attacks on the Foreign Factories by the populace, in the absence of protection from the Local Authorities, in which latter contingency, I observe, no measures are to be taken unless sanctioned by the Consul.

On referring, on the other hand, to the Circular, which I addressed to the British Residents under date of the 13th instant, you will perceive that there is nothing in it of a tendency either forbidding or declaring illegal the organization of the Community for the purposes above stated, its leading ideas being "that every unnecessary display must be avoided, and the use of fire arms only resorted to in self-defence; in a case of emergency."

It therefore only remains for me at present to recommend these points to your serious consideration, fully expecting from your prudence and discretion that you will continue to exert the same for the preservation of public order and tranquillity so necessary for us in the pursuit of our peaceable vocations.

I have the honor to be, Sir, Your obedient, humble servant,
(Signed) FRANCIS C. MACGREGOR.

To A. CAMPBELL, Esq., Chairman of the Committee, &c. &c &c.

No. 58

(No. 6.) Copy of Sentence passed by Her Majesty's Consul at Canton upon Mr. CHARLES SPENCER COMPTON, under date 24th September, 1846.

“SENTENCE,

‘AS ENTERED IN THE BOOK OF RECORDS KEPT AT THIS OFFICE UNDER DATE 24TH SEPTEMBER, 1846, PAGE 1846.

“IN the matter of certain complaints preferred by the Imperial Commissioner and Governor-general of this province against Mr. Charles Spencer Compton, Merchant, connected with the disturbances of the 4th and 8th July of the present year.

“In conformity with § 6 of Ordinance 6 and 7 Vict. Reg. No. 2 of 1844, and on the strength of the evidence before me from which it appears that the said Charles Spencer Compton has committed various acts injurious to our friendly relations with the Chinese Government and people, I have passed judgment this day in a summary manner, and I do hereby sentence the said Charles Spencer Compton in particular for having, on the 4th July last, kicked down the stall furniture of a Fruiterer at the bottom of Old China Street, to pay a fine to Her Majesty the Queen, of Two Hundred Spanish Dollars.

“Canton, the 24th September, 1846.

(Signed) FRANCIS C. MACGREGOR, *H. B. M. Consul.*

(A true Copy) FRANCIS C. MACGREGOR, *Her Majesty's Consul.*

No. 59

Canton, 16th November, 1846.

SIR,—Observing from the letter of His Excellency Sir John Davis to Keying, dated the 10th instant, and published by authority in the *China Mail* of the 12th idem, that the charge brought against you of having occasioned the riot of the 8th July is still persisted in, and the manifest injustice of dragging the occurrences of that day into connection with the trifling offence committed by you four days previously, not having been sufficiently dwelt upon in the resolutions adopted at the public meeting of the 3d instant, we deem it necessary to record our opinion on this point, and we hereby do so with all the solemnity and force of a formal public resolution. We therefore declare as our deliberate and firm opinion:—

1st. That there is no evidence whatever to show that the riot of the 8th was in any way occasioned, affected, or influenced by what took place on the 4th July.

2nd. That the unimpeachable evidence of the gentlemen who witnessed the commencement of the riot contradicting in every important particular the misstatements of the Chinese officers acquits you of all blame in that matter, and discharges you entirely of the responsibility which in justification of unwarrantable proceedings it is attempted to fasten upon you.

We request you to publish this letter, and remain, Sir, your obedient servants, (Signed)

BY SIXTY PERSONS REPRESENTING TWENTY-SEVEN BRITISH FIRMS.
TO CHAS. S. COMPTON, Esq. Canton.

ART. III. *The Queen v. Compton, before the Supreme Court, Hongkong, Tuesday the twenty-fourth November, 1846.*

The following official note will perhaps not be deemed out of place here, as preliminary to the law case that follows.

British Consulate, Canton, Nov. 6th, 1846.

SIR,—In conformity with the permission received from His Excellency Her Majesty's Plenipotentiary &c., I have the honour of transmitting to you, enclosed, for the information of the Supreme Court, the depositions taken in the case of Mr Charles Spencer Compton, in consequence of various complaints, made against him by the Chinese Government, connected with the late riots, and of which complaints the following is the substance:—

1. That Mr Compton on the 4th July, at the door of the guard-house in Old China Street, kicked to pieces the stall furniture of a fruiterer at that place, and

2. That on the Military Officer Le Fung-tsiang going out to stop him, he struck the latter with a cane which he held in his hand.

3. That Mr Compton again, on the 8th July following, descending from the upper story of the Chung-ho Hong, with a cane, officiously interfered in a dispute between a foreigner and a vender of plums, at the entrance of Old China Street, inflicting random blows upon the person of the said fruiterer.

4. That Mr Compton, in the course of the quarrel, laid hold of a Chinaman and took him into the Chung-ho Hong, where he tied and beat him.

5. That he excited the assembled mob by his violent and perverse conduct, and thereby caused the late popular disturbance, which ended in an affray with the foreigners, in which several Chinese were killed and wounded by fire-arms.

It will be observed that the evidence referred to in the premises consists of four depositions before Mr Jackson, British Vice-Consul at Canton; by Mr Compton, the defendant in this cause, and three witnesses, namely, Mr Gilman; Mr Ellice, and Mr Dudgeon. After having carefully examined and compared the same with the elucidations supplied at various times by the Chinese high authorities, in their official correspondence with me on the subject, I found—

1. That Mr Compton did kick down the stall furniture of the fruiterer on the 4th July, at which wanton and unprovoked outrage, the assembled mob felt so indignant, that a disturbance would have taken place that evening, but for the opportune intervention of some of the Compradors and Householders of China Street, who, called to the spot by the Tapaou, or district overseer, succeeded in appeasing the people, by which means the impending danger was for this time averted, though it was provoked by the same individual only four days after.

2. That the charge of Mr Compton having inflicted corporal chastisement on the Officer Le Fung-tsiang does not appear to be sufficiently proved, although he handled his person.

3. That there is some mistake in the plaint in which the persons of Mr Compton and Mr Dudgeon seem to have been confounded together. It was evidently Mr Dudgeon who looked out of the window in the upper story of the Chung-ho Hong (where the merchants have a billiard room) at the commencement of the fracas in the street below; it was Mr Dudgeon who descended, and not Mr Compton, as alleged in the said plaint. It was not therefore some other foreigner in whose quarrel Mr Compton is alleged to have interfered; but it was Mr Compton himself, who, having been engaged in an affray, was joined by Mr Dudgeon, who hastened down to his assistance as aforementioned.

4. That it is proved that Mr Compton did return the blow of the Chinaman who had struck him in consequence of having been pushed aside by Mr Compton; that the latter did also seize the Chinaman, and, with the participation of others, dragged him into the Chung-ho Hong, where he tied him up and imprisoned him without any warrant or authority, till the man regained his liberty. That Mr Compton ill-treated him while in confinement, though charged by the Chinese authorities, is not proven.

5. That the acts of violence committed on the 4th and 8th July successively by Mr Compton, cannot but be considered as the main exciting cause of the popular outbreak on the last mentioned day, succeeded by the lamentable loss of life by fire-arms already alluded to, for which satisfaction is still required by the Chinese authorities.

Having been directed by His Excellency, Her Majesty's Plenipotentiary, to fine Mr Compton 200 Dollars for his misconduct in the two repeated instances, I accordingly levied a fine upon Mr Compton, to that amount, for which the enclosed Despatch from His Excellency, Her Majesty's Plenipotentiary, marked No. 5, and communicated with his permission, is my warrant.

I also transmit to you, for the information of the Supreme Court, *sub* No. 6, a copy of my sentence for the above fine, as entered in the Book of Records kept at this office. The quoting of Ordinance No. 2 for Ordinance No. 5 was my own error.

The reasons which, upon consideration of all the facts, on international grounds, guided His Excellency in ordering the fine to be imposed, are stated in His Excellency's Public Notice of the 29th October last, to Her Majesty's subjects within the Chinese dominions.

I will only add, in conclusion, that Mr Compton was warned by me, only a few days previous to the first outrage committed by him, of the consequences likely to result from an outbreak of the populace, if provoked to disorder by acts of violence originating among ourselves, as will appear from the extract of a letter I addressed to Mr Compton and others on the 3d July last.—I have, &c.

FRANCIS C. MACGREGOR.

To Robert Dundas Cay, Esq., Registrar to the Supreme Court, Hongkong.

(True Copy,) ALEX. BIRD.

The following case we copy from the "China Mail," Nov. 26th, borrowed from the Hongkong Register, for Nov. 25th and Dec., 1st, which adds the following remark of the Chief Justice, omitted in the proper place: viz.

"The only attempt to show that Mr. Compton had any hand in exciting the riot of the 8th July, was the assertion that he did it by his violence, in pushing aside a Chinaman. There is evidence that he used no violence in doing so; and any one going along the road has a right to push aside an individual obstructing the way so that he could not pass."

SUPREME COURT

Hongkong, Tuesday, 24th Nov. 1846:

THE QUEEN *versus* COMPTON.

AFTER the Chief Justice took his seat on the Bench, he enquired of Mr. Parker, who appeared on the part of the Crown, if he had any cause to show why the sentence should not be set aside—Mr. Parker said he had not—Chief Justice, have you anything to say? Mr. Parker, nothing. Mr. Coley rose and said he came to show cause why the sentence passed on Mr. Compton by Mr. Macgregor, H. M. Consul at Canton, imposing a fine of \$200 should be set aside. Mr. Coley proceeded to read Ordinance No. 2, under which the Consul had passed the sentence—remarking on it as he went on. By section first, Consuls have the same judicial authority as Courts at Hongkong,—it is plain therefore the Consul possesses no farther power than your Lordship. (The sentence passed by Mr. Macgregor was read.) To form a conclusion as to the nature of the evidence on which this sentence was passed, it will be necessary to refer to the documents received from the Chinese, but these cannot be received as legal evidence, but are merely documents addressed to Mr. Macgregor.

The Chief Justice said they were official letters. In the view I shall give of the case I shall refer to them, not receiving them as proof, but merely taking them to explain the case and sentence. Mr. Coley then read the letter of Mr. Macgregor to Mr. Compton of the 24th September, in which the latter was charged with giving rise to popular disturbance, and to the disasters which followed. Now there is not a word about the disturbance in the sentence.

The Judge remarked—not one word.

Mr. Coley—The Consul must have founded his sentence on evidence taken when Mr. Compton was not in Court. The only evidence given was that of Messrs. Ellice, Gilman and Dudgeon, and Mr. Compton's own declaration.

The Judge—These have not even been sworn—it is therefore no evidence, but merely a statement.

Mr. Coley having read the letters on to the 15th October (No. 13

of the published Correspondence) the Judge enquired if all these documents could be verified on oath? Mr. Coley, they can. As to the statements of Mr. Gilman, &c., they were not sworn to—(Judge—they could not be so, or it would be stated—Mr. Compton's statement alone can be used). Mr. Compton's deposition was made, with the belief that it was only required to satisfy the Chinese authorities, and not to be used as evidence against himself, on which a heavy fine of 200 Dollars was to be imposed on him—he does not deny committing the offence, for which a small fine ought to have been imposed immediately; but instead of that, the matter was allowed to lie over till the 24th September, to be mis-construed and become mixed up with occurrences of the 8th, with which it had nothing to do. This is shown by the sentence, which alludes particularly to what took place on the 4th. In regard to the proceedings of that day, it is well known, that the place where it occurred has always been completely crowded, and no pains taken to keep it clear, according to the regulations. Mr. Compton said before the Consul, "that these circumstances led to the riot is very probable, but the consequences of it are chargeable to the apathy of the Chinese authorities, &c." This however was merely stated, as Mr. Compton's private opinion, and was not given in evidence; and besides, he could only here allude to what occurred on the 8th.

Mr. Coley then read parts of the High Commissioner's communication. He says that on the 4th, "the people were already in a disturbed state, and a riot had almost taken place, when fortunately the te-paou (overseer) informed the Compradors, who having stopped the quarrel by their representations all parties dispersed." So that nothing at all particular occurred on the 4th, even by the account of the Chinese, who go on to charge him with what occurred on the 8th, to which Mr. Macgregor's sentence bears no allusion.

It is evident that Mr. Compton did not create the disturbance of the 8th, but merely acted in self defence. He admits he was wrong in what occurred on the 4th, and that some small fine ought to have been imposed—five or ten Dollars would have been sufficient; the stall merely contained a few lichees, and might therefore be worth a few mace.—The evidence of the fruiterer, as given by Keying, was read, "*An Englishman* came, and kicked over on to the ground the basket containing the lichees. I was expressing to him my disinclination to submit to this proceeding, when the officer and soldiers in the guard-house came out to explain the affair away,

and admonished us; and I, yielding to their admonitions, immediately gathered together the lichees again, put them into the basket, and carried them away. 'This is truth.' This was a very trifling affair. The man picked up his lichees and went away, making no complaint.

After the affair of the 8th, the Chinese wanted to have some one punished, and attempted to fix on Mr. Compton the crime of causing the riot of that day. There is no attempt to prove that there was any riot on the 5th, 6th, or 7th, on which days Mr. Compton frequently passed this spot, without any molestation from the Chinese. The Consul himself says the fine was imposed merely for what took place on the 4th, but attempts to connect it with what took place on the 8th, for which there is no evidence whatever. While however Mr. Compton admits he was wrong, there was evidently provocation in the case. He desired the man to remove his stall that he might pass—the man would not, and he kicked it down—had it been removed, he would not have done so.

The Consul says that it was on the strength of the evidence before him that he inflicted the fine—now, my Lord, what is the evidence? there is none—there is nothing in the evidence to warrant the conclusion that Mr. Compton had committed "various acts injurious to our friendly relations with the Chinese government and people." Besides if there was, it did not come under Ordinance No. 2, which merely gives power to adjudicate on "all misdemeanours and other minor offences."

Though it is clear there are numerous informalities in the proceedings of the Consul, Mr. Compton wishes to take no technical advantage of them, but to have justice fairly administered to him. He admits having kicked over the stall, and is willing to submit to a small fine for it—It is evident that the Consul, who was a witness to the occurrence, at first thought nothing of the case, or he would have taken proceedings upon it immediately; and had he acted upon his own opinion, he probably would never have taken any notice of the affair. A great part of the Chinese evidence is only got at third hand. It was given before one man, who repeats it to Keying, and the latter reports it to the Consul.

If such fines as this are to be imposed by Consuls at their pleasure, there can be safety for no one in China. If convictions are procured upon the evidence of parties who never appear, and no opportunity is given to rebut it, the sooner all respectable persons leave the better. I have great confidence, however, in leaving the matter in your Lordship's hands.

The Chief Justice, in giving his decision, remarked that the case was at first small, but had become important from what has occurred connected with it. There has been a total disregard not only of the forms of justice but of justice itself. Had Mr. Macgregor been in any doubt as to the form of proceeding he ought to have referred to Ordinance No. 7, where it is distinctly pointed out. By it all proceedings in the Consular Courts shall be in conformity and correspondence with the proceedings which in like cases would be had, according to the law and practice of England—the Consul has power to summon and examine witnesses on oath—their depositions must be written down—the person accused must hear the evidence, and have an opportunity of exculpating himself. But this Ordinance seems to have been totally disregarded, and the whole case appears to have been determined by assertions on the one side, and assumptions on the other. I am obliged to go to the sentence to discover what was the charge. (Reads the sentence.) That sentence is unjust, excessive and illegal. This will appear on a review of the proceedings. Though the Ordinance No. 2, provides that in all cases adjudicated on, the evidence recorded shall be forthwith transmitted to the Supreme Court of Judicature at Hongkong, this is the first case which has been sent, and it would not have been sent without application. This case, therefore, becomes of great consequence, not merely from its own merits, but to define the procedure in Consular Courts, which ought to be regulated by Ordinance No. 7. This in a great measure supersedes No. 2. The Judge then read the Plenipotentiary's letter of 18th Oct. (No. 24.) This shows that Mr. Compton received sentence under one Ordinance and was fined under another, which is contrary to all the principles of English justice. I should not suppose from the title of Ordinance No. 5, that this case came under it. But this is set at rest by Section 4th, which gives power to punish, in a summary way, any infringement of the Treaties, not punishable by the law of England. Now Mr. Compton's case was one which the law of England, and also the law of this Colony, takes cognisance of. No. 5, refers merely to Commercial Regulations.

I have now noticed the law, and shall next advert to the facts. The charge founded on what took place on the 4th, is really abandoned by the Chinese. In the correspondence there is a want of candour on the part of the Consul. He refers the case to the Plenipotentiary: The latter says he imposed the fine himself, no confirmation was therefore necessary. By this sentence Mr. Compton is fined for one crime in particular, and for others is general.

The Judge then read and remarked on the communication from Kíying to the Consul. He charges Mr. Compton with making a riot; but any riot that occurred must have been on the side of the Chinese, as three persons are required to constitute a riot. Kíying charges the English with following the Chinese and shooting them, not in front of the Factories, which shows they were not acting in self defence; now there is a wide distinction to be made between a person acting in defence of his person, in which case he ought to withdraw, and one defending his property, who has a right to pursue the assailants until they are driven away. Throughout the transaction nothing appears more natural or more proper than the course followed by the English. Kíying says the relatives of the deceased flock to the district magistrates, asking life for life, and the local authorities have nothing to say in answer to them. A very ready answer might be made to them, that their relations had brought death on themselves by their violence. He says that the English having followed those who retreated and attacked them with fire-arms, there must doubtless be in such conduct the intention to kill; and when you say "the guns were fired at random in the dark streets, you do not avoid chicanery in explaining the matter away;" now such an intention was perfectly justifiable under the circumstances.

The next communication is nothing more than a statement of the evidence taken by the Chinese, in confirmation of the views they had previously taken of the case.

The next is of more interest, and shows that at this time Mr. Macgregor had taken a very proper view of the case, and had blamed the Chinese for not noticing the reprehensible conduct of the officer charged with keeping the passage clear. Kíying says, "a too great readiness to seek for redress on every petty occasion ought not to be evinced. The affair of the 4th July having been already explained away," &c. This shows that what took place on the 4th had been completely left out of sight, before the sentence was passed.

The reasons for the sentence, addressed to the Court by the Consul, were then read.

It appears this sentence was founded as much on the evidence of Mr. Ellice, &c., which, not being taken on oath, could not be used. The connection between the proceedings of the 4th and 8th is assumed without the slightest evidence—It would have been a most extraordinary circumstance if Mr. Compton, or any other Englishman, on being struck had not returned the blow—I should have been astonished if he had not.



I repeat again that the whole case is founded on assertion on the one side and assumption on the other; without any evidence. Mr. Macgregor says the quoting of Ordinance No. 2, instead of No. 5, was my own error—but there is no reason why Mr. Compton should suffer for Mr. Macgregor's error. It is evident, in my opinion, that Mr. Compton was sentenced, apparently for what took place on the 4th—but really for what occurred on the 8th. Had there only been some small mistake as to matters of form, I should have considered it proper merely to modify the fine to a small sum; but the whole proceedings have been so exceedingly irregular as to render it necessary to reverse the judgement altogether; and that is the sentence of the Court, that the sentence of Mr. Macgregor, imposing a fine of \$200 upon Mr. Compton, be reversed.

ART. IV. *Prohibitions, forbidding all foreigners, except those actually engaged in trade and their assistants, to reside at Canton. Issued by the chief magistrate, October 25th 1846.*

SHE, by imperial pleasure acting magistrate of Nánhái, promoted ten degrees and recorded ten times, honored with the title of sub-prefect and advanced to the prefecture of the department of Loting, puts forth these *prohibitions*.

It is clear that, of the foreigners coming to Canton to trade, none except merchants and their rich assistants are allowed to go to the factories. Besides these, sailors and so forth, one and all are forbidden to go on shore; and even the merchants and their assistants are not to presume to go to any other place.

Now the provincial military examinations being at hand, it is feared that the foreigners will be hastening away to the Eastern Parade to see the archery of the cavalry and infantry; that many crowding forward, some may chance, in the disorder and excitement of the moment, to get injured; or that the foreigners, not knowing how to dodge, may get wounded by the flying arrows. Therefore it is right to put forth prohibitions.

Accordingly these commands are put forth, to the hong merchants, the linguists, the constables, the boat and sedan people, &c., for their full information. You must, acting in conformity thereto and keeping the laws, inform the foreigners that they must not go to the Parade to see the archery. If any dare oppose, the said hong mer-

chants and linguists shall be prosecuted and punished. The boat and sedan people, also, must not presume to carry the foreigners thither. If any dare to act otherwise, they shall be seized and punished as soon as detected.

Let every one tremblingly obey. Let there be no opposition to this special proclamation.

October 25th 1846. To be pasted up in front of the Public Hall of the hong merchants [at the head of Old China street].

Note. We subjoin the original of the foregoing edict, giving, along with it, a literal translation, word for word; after which, we shall add "a declaration" from their excellencies, Kíying and Hwáng, and some comments of our own.

PROCLAMATION,

Copied from the official document, posted up at the head of Old China Street.

欽 加 同 知 銜 署 南 海 縣 事
 Imperially promoted joint knower title, acting *Nán-hái* district affairs,
 准 陞 羅 定 直 隸 州 正 堂
 permitted advance *Lo-ting* direct rule department principal incumbent,
 加 十 級 紀 錄 十 次 史 爲
 promoted ten degrees recorded meritoriously ten times, *Shi*, makes
 飾 禁 事 昭 得 洋 人 來 粵
 regulations prohibit affairs. Clear it-is, Ocean men coming-to Canton
 貿 易 止 許 正 商 財 副
 barter exchange, only are-allowed principal merchants rich assistants
 到 行 其 餘 水 手 人 等 一
 to-come-to Factories; these besides water hands' men and-so-forth, one
 概 不 許 上 岸 卽 正 商 財 副
 all not allowed to-go-upon-shore; even principal merchants rich assistants,
 亦 不 得 擅 往 別 處 今 武 鄉 場
 also not can assume go-to other place. Now military provincial examination
 在 邇 恐 各 洋 人 驟 赴 東 較 場
 being near, tis-feared divers Ocean men abruptly go-to eastern try arena
 看 射 馬 步 箭 人 多 擠 擁 或 一 時
 to-see shoot horse foot arrows, men many crowd round, chance one time,
 枉 躁 動 手 傷 人 或 當 較 射 之
 perverse obtrusive shake hand wound men, chance just try shooting 's

時洋人不諳閃避爲箭所傷
 time, Ocean men not versed-in dodging back, are arrows that-which wound.
 合行示禁爲此示諭
 'Tis-right to-take-up proclaim prohibitions. For this publish command,
 行商通事及各地保小
 traveling merchants, communicate affairs, with each earth protector, small
 艇小轎人等知悉爾等務宜
 boat, small sedan people classes know comprehend; you classes must needs
 遵照守法傳知洋人不得往
 obey conform keep laws, communicate inform Ocean men, not can go-to
 較場觀射如敢故違定提該
 try arena see shoot. If dare intentionally oppose, assuredly take said
 行商通事究處其小艇
 traveling merchants communicate affairs prosecute punish. The small boat
 小轎人等亦不得擅行抬送
 small sedan people classes, also not can presume go take-up forward
 洋人往看倘敢抗違一經查出
 Ocean men go-to see. If dare offend, oppose once have searched out
 立拿重究各宜凜遵毋
 thereupon seize severely prosecute. Each ought tremblingly obey. Dont
 違特示
 oppose special proclamation.

道光二十六年九月初六日

Táu-kwáng, twenty-sixth year, ninth moon, first 6th day.

寶貼洋行會館

Faithfully postup Ocean traveling assembly hall.

DECLARATION.

(From the China Mail November 26th 1846)

Kiying, imperial commissioner, governor-general of the two Kwáng, &c., &c., &c., and Hwáng, governor of Kwángtung, &c., &c., hereby give a declaration.

We yesterday received your statement to the effect that the district magistrate of Nánhái had lately issued a very objectionable proclamation: and also the copy you sent of the proclamation in question.

On these reaching us, we immediately made personal inquires, on the subject, of the district magistrate of Nánhái, who stated that this proclamation, prepared according to old drafts of many years' standing, has been issued by the district magistrate once before each triennial military examination for a long time back, just as in 1843 at the Kwei-mow examinations, and in 1844 at the Kiá-shin examinations, the former successive district magistrates of Nánhái issued proclamations to the inhabitants of the thirteen factories in conformity with this draft, previous to the military examinations, as is on record; and that therefore, when in this year the Ping-woo military triennial examinations were caused to commence, fair copies were made out in accordance with the old drafts, and the proclamation issued without the addition or subtraction of one word. He at the same time sought out and presented to us for examination and comparison the old drafts, according to which the proclamation had been issued on the above two times, at the Kwei-mow and Kiá-shin examinations, both of which agree with the copy you sent us of the proclamation issued this time.

After examination we find, with reference to this proclamation, that as it has been copied from the old drafts used at successive past examinations, it forms a part of the routine business, which it is not customary to examine, and that it is by no means that the present district magistrate has any other (peculiar) views.

What is stated in the copy,—that the hong merchants and linguists should transmit commands to the foreigners is, however, very unfitting; and we have therefore written to the said district magistrate, ordering him to bear in remembrance, that when the time of the military triennial examinations next arrives, he is forbidden again to issue a proclamation according to this old draft; and that if there be any matters of local interest which he wishes to make known to Englishmen, he must make a communication to you, that you may issue commands accordingly. A special declaration 20th Nov.

Regarding both the *matter* and the *manner* of the two preceding documents—one emanating from the magistrate under whose especial care foreigners reside at Canton, and the other purporting to be the joint production of the two highest officers in this part of the empire,—it seems necessary that a few remarks should be added here in order to put the matter in its true light.

I. In the first place, the proclamation is a very good specimen of what used to be served upon foreigners residing here, previously to the late treaties, when all correspondence was carried on through the hong merchants and linguists, when the foreigners were required to leave Canton annually, were not allowed to bring their families to the provincial city, &c., &c., &c., and when, even in Macao, a "*fanqui po*" was not allowed so much as a wet nurse!

2. The proclamation, bearing date Oct. 25th, seems not to have been made public until the 13th of November, as stated by Mr. Meadows, whose translation of it has been published in the Hongkong papers. Why it was posted up so late after its date, and with what intent it then appeared, are points we leave for others to determine. "The proclamation was issued without the addition or subtraction of a single word," but there may have been alterations; and we suspect that, in the old drafts, some other, and harsher term, than *yáng*, 洋, "ocean," was employed to designate foreigners.

3. The "statement," regarding the proclamation, which we suppose was sent in by the British consul, is declared to have reached their excellencies on the day previous to the date of their declaration, the 20th Nov. Now it is well known that on the said 19th and 20th days, the high commissioner, Kíying, was not in Canton, but absent on a military tour in the neighboring province of Kwángsí, distant more than one hundred miles from the provincial city. If so, the declaration by Kíying, must have been made by proxy, H. E. Hwáng acting for the commissioner, which we suppose was the fact, and think it should have been so stated.

4. It is admitted, in the declaration, that it "is not customary to examine" the forms of routine business; and it might be inferred, judging from the documents given above, not to mention other evidence, that the old order of things is to be brought back, with all its annoyances and restrictions, and that all the provisions of the late treaties, so far as they have reference to personal liberty and security, are to be set aside. If a stranger, by any mistake, happens to enter the gates of the city he is stoned and beaten, and no redress can be had. And if one goes a rod beyond the suburbs, there the like evils are meted out! How long, every one is ready to ask, *how long* are these evils to remain unchecked?

ART. V. *Port Regulations of Shánghái, drawn up by Her Britannic Majesty's Consul, Rutherford Alcock, Esq, and dated November 6th 1846.*

THE following regulations, published by direction of H. B. M. plenipotentiary, in the China Mail, from which we copy them, indicate a state of things at Shánghái very different, in some respects, from what exists at Canton, especially in the limits foreigners are allowed for exercise.

1. The Limits of the Port, on the sea side, are defined within the Lines formed by Paou-shan Point bearing west, and the Battery on the right bank at the mouth of the river below Woosung bearing south-west. The Anchorage for loading and discharging cargo is off the Custom House, and extends from the river called the Woosung Kow to that called the Yang-King-Pang. For more detailed instructions on this head, the taking in and discharging of ballast, &c., &c., masters of vessels are required to apply at the Consulate.

2. Pilots can be obtained at Woosung to bring vessels up. In case of necessity, a gun will always bring one off, but the usual signal should first be hoisted. Pilots to take vessels down can be obtained at Shanghai, on application at the Consulate. Each pilot is authorised by Letter under the consular seal to act; and the amount he is duly authorised to demand as a just remuneration for his services, is specified therein.

3. All vessels must be moored within the period of two tides from the time of their arrival at the anchorage, and in no case can a vessel, after she is moored, move or shift her berth, without permission from the Consulate.

4. Masters of vessels will report themselves within twenty-four hours after arrival, unless Sunday should intervene; and they will strictly attend, in all other points, to Article III., of the General Regulations of Trade.

5. Masters requiring to beach their vessels for the purpose of inspection or repair, must apply at the Consulate for instructions.

6. No goods can be landed, shipped, or trans-shipped after sunset or before sunrise, or between Saturday evening and Monday morning; and no work is to be done on board vessels in harbour on Sunday, except such as may be necessary for the cleanliness and safety of the ship.

7. The discharge of fire-arms from the merchant vessels in harbor is strictly prohibited, as also from the residences of British subjects.

8. Masters of vessels are required to report any passengers at the same time as the arrival of the ship; and seamen and persons belonging to the vessels in harbour are not to be permitted to go on shore without a responsible officer in charge—the masters being held distinctly responsible for the conduct of their men on shore. In the event of any men on liberty remaining on shore after sunset, the master is required without delay to send an officer to find and take them on board. Due and timely notice must also be given of the number and the names of passengers on board of any vessels leaving the port.

9. All cases of death, whether on board a British vessel, or on shore in the residence of a British subject, must be reported within twenty-four hours, together with the best information attainable of the cause of death in cases of sudden demise, to H. M. Consul, who will give directions respecting the place of interment.

10. Accidents involving personal injury, loss of life or of property, whether on shore, or in the river from collision of vessels, to be reported at the Consulate as soon as practicable; and in cases of theft, peculation; or assault, where British and Chinese subjects are both concerned, a Chinese, if guilty of any criminal act, and there be no officers of his country at hand, may be conveyed to H. M. Consul. But under no circumstances will British subjects be permitted to use violence to Chinese offenders, or take steps against the Chinese for the redress of their grievances.

11. The distance to which British subjects may proceed into the interior for exercise or pleasure, is limited by the time required for the excursion. Twenty-four hours has been fixed as the longest period of absence from Shanghai. This permission does not extend to sailors,

12. All British subjects are required to register at the Consulate within twenty-four hours after their arrival in the port, masters of vessels, their officers, and crew borne on the ship's papers excepted:

RUTHERFORD ALCOCK, *Consul.*

British Consulate; Shanghai, November 6th, 1846.

ART. VI. *Remarks on the words and phrases best suited to express the names of God in Chinese. Written by a Correspondent at Ningpo.*

BEFORE a correct decision can be formed, as to what terms are best suited to express the names of God, we must consider, first (1) the scriptural usage of the Old and New Testaments, as exhibited in the names used, their signification, application and common use, and inquire whether any of them, as Jehovah, Elohim, Messiah, Christ, &c., should be transferred into Chinese; and then, (2) the words, in common use in Chinese, to express the ideas of divinity or divine worship, and how far they are proper to express the ideas which the Christian associates with this glorious and fearful name, "The Lord our God;" also what modifications are needed, and what adjectives, explanations and cautions are required to make our meaning sufficiently clear. To do all this, it is necessary to examine the Chinese usages and idioms, as exhibited in their classics, poetry and popular works, the opinions of educated Chinese and the common modes of speech among the people; and all these should be compared with the scriptural usage, as exhibited in the originals of the Old and New Testaments. And (3) it would also be interesting and profitable to ascertain the usages of Christian missionaries in other parts of the heathen world.

This subject is one of much importance and difficulty. Its importance is seen in the terms of deep reverence which the sacred writers use when they speak of or to the Creator. "Who is like unto thee, Oh Lord, among the gods." Exod. 15: 11. "Thou shall fear this glorious and fearful name, the Lord thy God." Deut. 28: 58. "Holy and reverend is his name." Ps 111: 9. "God over all blessed forever. Amen." Rev. 5: 9. Its difficulty must be obvious when it is considered that this glorious and holy name is to be used in the language of a people whose ideas of the character of God are dark, and all the terms of whose language that can be used to express his name are necessarily associated in the minds of the people with idols, the work of mens' hands. It is not to be expected that any native term of the language should be without associations to recal their own false gods; but, if possible, let such terms be used as have the fewest and most indefinite associations, and which will thus most

easily bear conversion to the higher purposes for which we design to use them. On such a point as this, it is hardly to be expected that conscientious men, brought up under different influences, and deriving their views of the nature and signification of Chinese words from different sources (for as yet there is no standard author whose decision commands general respect,) should think precisely alike. There is still need of an interchange of views, and a fuller discussion of the subject, and no one should fix his opinions like the laws of the Medes and Persians, unalterably. It may be expected that in due season some considerable degree of unanimity will yet prevail.

I. *Scriptural usage.* Although there are many names applied to the Supreme Being, in the Old Testament, yet the most of them may be regarded as simply qualifying adjectives, so that our attention needs to be directed only to those in most common and frequent use. These are *Yehovah*, *Jehovah*; *Adonah*, Lord; *Ael*, mighty or strong God; and *Eloha'* or *Elohím*, God.

The words *Ael* and *Eloha'* or *Elohím* are so nearly synonymous, that for our purposes they may be considered as the same. The chief distinction between the two is, that the former is more frequently used in poetry than in prose, and when used in prose has commonly some qualifying adjective attached. With this remark premised, we shall quote either of them indifferently. The word *Eloha'* is commonly used in the plural form *Elohim*. For our purposes it is immaterial to decide whether this be, because it refers to the plurality of persons in the godhead, or whether it be simply *pluralis majestatis*. When the singular is used it is commonly in the poetical or later prose writers of the Old Testament. The significations of this word are as follows:

1. Its primary signification is simply *God; a divine person, superhuman excellence.* Since the Hebrews worshiped the true God, *Jehovah*, they of course applied the term to him, by way of eminence. But that it means simply *God*, without specifying true or false, one or many, is evident from such quotations as these:

"There is no God with me," Deut. 32:39. Is. 44:6.

"Jehovah is a God of gods." J sh. 22:22.

"Cry aloud, for he is a god." 1 Ki. 18:27.

From innumerable passages it might be made to appear, that the original sense of *Elohím* is that of the generic name for God. Hence it admits of the article, and of adjectives expressive of multitude, such as, "all ye gods." Ps. 97:7. "Jehovah is greater than all the gods." Ex. 18:11. "Other gods," "Strange god." &c., &c.

2. As the Hebrews worshiped the one living and true God, it was a matter of course that they should apply to him the generic name for God, and indeed vindicate its reference to him alone. Hence arises its secondary, and by far its most common meaning, *the true God.* Of this use of the term there are more than a thousand examples. "Jehovah, he is the God." 1 Ki. 18:39. "Who is God, save Jehovah?" Ps. 18:32. "It is God, that girdeth me with strength." Ps. 18:33. And such like.

3. That the word does not and cannot mean simply the true God, is evident from the fact, that it is often applied to false gods and idols. When so applied, however, the idea is always subjective, in the minds of the people, that the idol, a representation or object of their worship, was really a god or divinity, or at least contained or represented a divine being. Thus the Israelites said to Aaron, "Make us gods to go before us." Ex. 32:1. "Dagon our god." 1 Sam. 5:7. It is applied even to female gods. "Ashtoreth goddess of the Ammonites." 1 Ki. 11:15. Hence it is also applied to the private or tutelary gods of each person or nation. "Every one unto his god." "Call upon thy god." Jon. 1:5. "Gods of the hills and of the valleys." 1 Ki. 20:23. "Baalzebub the god of Ekron." 2 Ki. 1:3. To distinguish him from the false gods of other nations, the true God is often called, "Jehovah God of Israel." 1 Ki. 16:26.

4. It is applied to angels. "A little lower than the angels," *Elohim*. Ps. 8:5. "Worship him all ye gods," *Elohim*. Ps. 97:7.

5. It is also applied to men, when officially entrusted with authority and power to rule, as it were in God's stead. "I have made thee a god unto Pharaoh," Exod. 7:1. And, "I have said ye are gods." Ps. 82:6.

6. It is used adjectively as the expression of some great excellence and majesty, or manifestation of glory or beauty, that lifts our thoughts to God. We are not sure but this idea of majesty and excellence is the primary signification of the word, though we have followed the current of lexicographers in assigning another as the original sense. Examples of this signification are such as these: "Cedars of God," Ps. 19:11, for very noble cedars. "Mountains of God," Ps. 63:16; 35:5, very high mountains. "River of God," Ps. 65:10, deep and full river. "A city great to God," Jonah 3:3, a very great city. "Fair to God," Acts 7:20, very fair and beautiful.

The use of the Greek word *θεος* in the New Testament is so precisely synonymous, that it is needless to quote examples. It could not be otherwise than synonymous, for in the great majority of cases the Seventy have translated *Elohim* by *θεος*, and their version was in common use and exerted a controlling influence when the books of New Testament were written.

As this is a generic, and not a proper name, it is obvious that it should be translated in every version of the Scriptures that is made into a foreign language. We shall consider, in the sequel, what term is most suitable to express its various significations, merely remarking here; that the native Chinese term, which includes most of the significations of *Elohim* and *θεος*, must, other things being equal, be considered as the most proper term by which to express it. In the Syrian monument the word is translated into Chinese by the characters, 阿羅阿 *Ah-lo-ah*, but for the reasons above given, we think this example should not be imitated by modern translators.

The God who was worshiped by Israel claimed to be superior to all other gods, and indeed to be the *only* God. But there were

innumerable other real or imaginary beings, "Gods, many and Lords many," whose deluded worshipers were ready to cry out, on all occasions, "Great is Diana of the Ephesians," and to claim the highest honor and worship for them. To distinguish between the true God, the God of Israel, and the false gods of the gentiles, it became necessary to use words, which should remove all doubt or ambiguity, as to the Being, who was meant; accordingly, in many passages all doubt is removed by such qualifying expressions as, the God of Abraham—of hosts, almighty, most high, living, eternal, holy, Creator, &c. In addition to these, he was pleased to make known to men a name which he appropriated to himself alone. "My name is Jehovah." Exod. 6:3 "I am Jehovah, that is my name." Ps. 42:8. "Extol him that rideth upon the heavens, by his name Jah," Ps. 68:4. This, therefore, is the proper name of the true God. It is peculiar to himself alone, and may not be applied to any false god, or idol, or creature. It imports self-existence, all-sufficiency, and eternal life. It occurs more than six thousand times in the Old Testament, and was regarded by the Jews with such reverence that, in the later ages of their history, they did not presume to pronounce it, but used in its stead the words *Adona* and *Elohim*.

As this is a proper name it is manifestly right that it should be transferred into the Chinese language, as other proper names are by characters as nearly allied to the common Hebrew pronunciation as possible. The characters, 耶和華, *Yé-ho-hwa*, have been already used in several Christian tracts for this purpose. When asked by the Chinese, "What is the name of your God;" the reply should be, "It is Jehovah."

It is however a question, for serious consideration, how far any efforts should be made to bring this name into general use. At first sight it seems hardly to admit a doubt that it ought to be the word most commonly used by the Christian missionary. It occurs in the Old Testament more than three times as often as any other word that is applied to God, and in itself seems so appropriate to express all we want, in reference to the supreme being, that many missionaries (as in the South Sea Islands) have used it almost exclusively. Yet the objections to its exclusive, and even to its general use seem to us almost insurmountable. The principal of these is the undoubted fact that it never has, in any Christian nation or in any version or the Scriptures, been brought into common use, and this has been sanctioned by an authority than which no higher can be thought of, that of Christ himself. Even in Hebrew, for hundreds of years before the time of our Savior, the Jews refused to pronounce it, and many suppose that its true pronunciation is now lost. The venerable Septuagint version uniformly translates it *Κυριος*. This version received the sanction of our Lord and the apostles. By them, so far as we know, the word Jehovah was never pronounced, and the example of the Septuagint version has been followed in great measure by all subsequent translators. Thus instead of the word Jehovah we have *Κυριος*, Dominus, LORD, Herr, L'Eternel, &c. Now this cannot be

the effect of chance. If the providence of God is conspicuous in any thing, it has been so in the preservation of the Sacred Scriptures, and in the translations made from them; and this remarkable unanimity in refraining from transferring an acknowledged proper name must be regarded as by divine appointment.

Without entering any further into the subject, we prefer to leave it where the consent of the universal church has placed it. Let the word be known and on proper occasions be mentioned, but let it not be brought forward in every sentence, but rather reserved for seasons and occasions of peculiar solemnity. We think, therefore, that they are in error who attempt to bring it into general use among the heathen. As it has not been brought into general use in any Christian nation, we infer that it will not be; as Christ and his apostles, far from bringing it forward, as so many do now, kept it back, we infer that it should not be proposed as the common name of God. Perhaps the safest rule would be to abide by the English version of the Scriptures, as far as this word is concerned, and in common use to speak it much as one would in a Christian land.

As the word Jehovah has been thus (providentially) kept back from common use, another was necessarily substituted for it. In Hebrew this word was *Adona*, Lord, a word manifestly derived from *Adon*. The word *Adona* is never applied except to the true GóD, and was esteemed by the Jews the substitute for the word Jehovah. Hence in the Septuagint, and the other versions, it is uniformly translated by the same word *Kurios*. The word *Adon*, from which it is derived and which is the precise synonyme of *Kurios*, Dominus, Lord, &c., has the following significations.

1. *Men* who stand in any relation of superiority. Gen. 24:14.
2. *False gods*, Zeph. 1:9. Ps. 26:13.
3. *The true God*. Exod. 23:17. Ps. 114:7, and in Dent. 10:17, where we read, "Jehovah your God, is God of gods, and a great God and mighty."

Of the qualifying terms, or adjectives used we shall mention only two. The others will readily occur on examination. *Alion*, supreme, most high. Deut. 32:8; Dan. 4:17; Luke 1:32, 76. *Shaddi*, omnipotent, almighty, Exod. 6:3. Ruth 1:20. See book of Job, *passim*; and 2 Cor. 6:18. There can be no doubt that these should be translated by such terms as, 最上 *Tsui-sháng*, and 全能 *Ts'iuen-nang*.

There is one name of God, used, only after the Babylonish captivity, which has some peculiar interest to the Chinese missionary, from its resemblance to the word 天 *T'ien*. In the book of Daniel we meet the expression, "The heavens do rule." Dan. 4:26. Where the Chaldee word for heaven is used for God, or perhaps, to speak more properly, for his providential government. This word does not elsewhere occur, in the Old Testament, in this sense, but the phrase "God of heaven" is of frequent occurrence during and after the Babylonish captivity, both among the Jews and the heathen.

Cyrus says, "all the kingdoms of the earth hath the God of heaven given me." 2 Chron. 36:23. The restored Jews say, "We are the servants of the God of heaven." Ezra 5:11, "Oh give thanks unto the God of heaven." Ps 136:26. The origin of this expression is somewhat obscure. It may have been that heaven was used by the Chaldeans and Babylonians much as *t'ien* 天, is by the Chinese, and while Daniel once uses the word when speaking to a heathen king of the general superintendence of providence, yet he and the other Jews preferred using a word which should teach that God is not to be confounded with the visible heavens which he has made. We meet the term God of heaven only once before the Babylonish captivity ("I serve the God of heaven," Jona 1:9), where the prophet used it in talking with idolaters, who knew nothing of Jehovah, the God of Israel. These idolaters may have been worshipers of heaven, and Jonah, to show the superiority of his God to all their objects of worship, calls him the God of heaven. After the return of the Jews from Babylon, the term "God of heaven," and even "Heaven," became very common, and we find the latter in common use in the time of our Savior. "I have sinned against heaven." Luke 15:18. "Was it from heaven or of men?" Matt. 21:25. See notes of Wetstein on the verses just quoted, and Baxtorff's Lexicon Chaldaicum.

The usages of both the Old and the New Testaments, in reference to the names of God, have been followed with remarkable exactness in all the versions into which the Scriptures have been translated in western lands, and by consequence among all the people where Christianity has extensively prevailed. Thus the Greeks had their Ζεύς, the Romans their Jupiter, and the nations of northern Europe their all powerful Odin or Woden and Thor, god of thunder, (whose names are yet preserved in the days of the week,) which were all supreme among the gods of their respective nations, and to them every high term of honor and adoration was applied. But neither the apostles, nor their disciples and successors have adopted the name of a heathen God and appropriated it to Jehovah. In all cases they have taken the generic term for God in the respective languages and such terms as corresponded with the Hebrew words, and applied them to Jehovah, claiming for him, that as he is the only living and true God, he is entitled to the name that expresses divinity, and should not be designated by that of any idol or national God. Thus, among the Greeks, the word used was not Ζεύς, but θεός and Κύριος. Among the Latins it was not Jupiter, but Deus and Dominus. Among the Britons it was not Woden or Thor, but God and Lord; and among the Germans, Gott and Herr: and the same remark is true in every other nation where Christianity has extensively prevailed. We think much weight is due to this fact in deciding what word to use in Chinese. If in this language there are terms appropriated to false gods, even though they designate the highest deity in the system of Chinese mythology, they are no more to be used by the Christian missionary than Ζεύς or Jupiter or Thor by the apostles

and their successors. But if the Chinese language contains words that correspond with the *Elohim*, θεος, Deus, God; and the *Adon*, Κυριος, Dominus and Lord, of the Hebrews, Greeks, Latins and Britons, then strong reasons must be shown why they should not be used here; nor will it be a sufficient objection, that such terms are applied by the Chinese to every insignificant divinity which their folly has formed, for every tyro knows that the same objection lies with equal force against the terms in universal use in every Christian nation.

(To be continued.)

ART. VII. *Journal of Occurrences: Kiyng; military reviews and examinations; examiners and new literary chancellor; literary banquet; Mr. Everett; the Nemesis; military guards; their inefficiency; ill treatment of English seamen; letter from captain Pickin; Mr. Betelheim; Peking Gazettes.*

CANTON DECEMBER 10th, 1846. Circumstances, beyond our control, have delayed the publication of our present number till now.

His excellency, the imperial commissioner, and governor-general Kiyng, embarked Saturday, the 31st October, for Kwángsí, to attend the military reviews and examinations in that province.

Similar exercises have been in progress here and the results of the same, in horsemanship, archery, &c., were announced at an early hour yesterday morning, the 9th December, when cryers were heard through all the streets, vending the schedules containing the names of the successful competitors. The degree conferred on this occasion is that of *küjin*, "promoted men," the same that was conferred, a few weeks ago, on the literary candidates.

One of the late imperial examiners has been appointed to the literary chancellorship in this province, and entered on the duties of his new office November 12th. His name is 全慶, *Ts'üen-king*, late H. I. M.'s resident minister, &c., at H'harashar, in the southern circuit of Fí. He is a Manchu of high reputation, and will remain here, in the ordinary course of appointments, three years. Being in favor at court, he will no doubt have influence here in regulating the intercourse with foreigners.

The late chancellor and the second examiner left Canton for the capital early in November.

On the 4th Nov. H. E. governor Hwáng gave a public entertainment to *Mei Munghung*, 梅夢紅, first on the list of successful candidates at the late literary examination. This is a formal feast, called *Luh-ming án*, 鹿鳴宴, "the stagbleating banquet," and an occasion of great joy and festivity.

His excellency, Alexander H. Everett, commissioner, &c., from the United States of America to the court of Peking, left Canton the 3d Nov. and proceeded in the Vincennes to Macao. As to his place of permanent residence we are not informed; it ought, we suppose, to be at court; and the sooner the Chinese will accede to this the better for them. If, as we believe; the object of Mr. Everett's mission to China is to see that the provisions of the late treaty are secured, his new office will be *no sinecure*.

The Nemesis, we are sorry to see, has been withdrawn from Canton, and no ship of war is now in this neighborhood. Some military guards, however, have been posted in the immediate vicinity of the factories, as the following declaration indicates.

Kíying, Imperial Commissioner, Governor-General of the Two Kwáng, &c., &c., &c., and Hwáng, Governor of Kwángtung, &c., &c., hereby give a declaration in reply.

We have received your statement to the following effect:—(Here follows an abstract of the letter of Her Majesty's Consul to their Excellencies, dated 13th November, 1844, expressing a hope that they would increase the means of defence for the protection of the Foreign Factories in the event of a popular riot, &c.)

After examination, we find that in the month of July, when the disturbance attended with loss of life took place at the Thirteen Factories, we immediately despatched Officers and Soldiers to guard against and suppress tumults; and that, fortunately, they have for several months preserved us from causes of anxiety.

Considering, however, that to despatch soldiers upon the occurrence of any event is by no means a permanent plan, we have, therefore, after forming the necessary regulations, appointed one military officer, a major, and one civilian, an officer having Independent Jurisdiction, to take charge of soldiers and police, and reside constantly in the neighborhood of the Thirteen Factories, as a guard and protection, and that they may, in the event of altercations, quarrels, and disturbances between the Chinese and Foreigners, be thus able, in the immediate vicinity, to ascertain the facts and arrange matters according to reason, separately dispelling the causes of discord, in order to prevent their ending in exciting great evils; and orders have been already despatched for the necessary measures to be taken in due order.

Apart from these no other preparations for protection have been made. If, however, a state of mutual tranquility and absence of trouble is to have existence, it is indispensable that equity obtain in the intercourse and relations between the two countries. It is therefore necessary that you restrain the British merchants, so that they may not, like Compton, employ violence and take a delight in overcoming others, thereby exciting fights, but that they may regulate their conduct by reason and the common feelings of mankind. Both parties will then enjoy pleasure and profit in common, without depending on the defence and protection of the military and police alone. A special declaration.

For the British Consul Macgregor. 14th November 1846.

(A True Translation.) THOS. TAYLOR MEADOWS, *interpreter*.

We have little confidence in these guards alone, and think, with many others, that a strong force near at hand, such as well-manned ships of war afford ought to be kept ready to act in any emergency and at the shortest notice. Such a force should not, as things now are, be wanting for a single hour. It is one of the surest means of preserving peace.

The mal-treatment of foreigners, at Canton, is exhibited in the following letter from captain Pickin, of one of the English merchant vessels recently at Whampoa.

Whampoa, 11th November, 1846.

SIR,—In reference to the two Seamen of the *Mary Bannatyne*, so badly used by the Chinese at Canton, I would beg to remark that they had liberty from the Marine Magistrate at Whampoa, as all other ship's crews in the place had, and went up in charge of two petty officers and landed at Canton at noon. After purchasing all they required, they went to the top of Old China Street, in company with a Chinaman; he enticed them up a place called *Shoe Lane*. When they got half way up, they were going to turn; seeing this, the Chinaman gave a great yell, and in less than two minutes, they were surrounded and driven upwards towards the city, till they came to a *Tan Yard*, and were there driven into the water, and hunted like wild dogs: sometimes in the water, at other times fighting their way on shore, till at last they were separated. One took to the Creek, and swam down to the river to a schooner, and was hanging on to the cable by one arm, the other being disabled, when he was taken notice of by a Lascar and was taken on board and very kindly treated, and then sent on board of H. M. war steamer. The other was not so fortunate, he was surrounded on shore, even by *shop keepers* till at last he got refuge in a shop, the shopman sent for the mandarins; he was then taken in charge by the soldiers and sent to the consulate in a sad state, which he can testify; the whole occurred from 3 to 4 o'clock. They were only about half an hour out of the officer's sight. I never in my life saw a man survive such wounds. Poor fellows, I am sure it was without any misconduct on their part. Yet they were fined afterwards. I am happy to say, they are both doing well, but it will be a long time, (*if ever,*) before they are the same men.

I remain, Sir, Your's respectfully; SAMUEL PICKEN.

To A. CAMPBELL esq.

From the Rev. Dr. Betelheim we have recently had the pleasure of receiving a note, and have had a glance at his Journal. He wrote from Nápá Hospital, Oct. 17th, 1846. He had secured a comfortable residence, made considerable progress in the language, and circulated some tracts. Those around him were chiefly officers, and very friendly. He found there two Roman Catholic missionaries. Up to the time he wrote, his intercourse with the people had been very limited, and very few patients had been at his hospital.

Our *Peking Gazettes* and Extracts come down to the 25th of Oct. We shall endeavor to find room in our next number for some notices of these. From a private source, we learn that the summer has been very cold at the north, and that snow fell in Shánsi in July.

